

# ANNUAL SECURITY REPORT

SETON HALL NURSING DEGREE  
PROGRAM AT BROOKDALE  
COMMUNITY COLLEGE

This report is prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

This Report is published October 1, 2023. It covers the 2021 calendar year and statistics for calendar years 2020, 2021, and 2022.



October 1, 2023

Thank you for your interest in the Seton Hall University Annual Security Report. This report, which is published annually in September, contains important information about the 2021 calendar year for our university communities. Safety and Security is always on our minds here at Seton Hall. We have committed resources to help keep our students safe and secure. Our Department of Public Safety and Security works diligently to protect our students, staff, administrators and faculty on all the Seton Hall campuses. But public safety is everyone's business. The policies and procedures described here are designed to keep our community aware and safe. Please familiarize yourself with them.

This report complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (known as the Clery Act). Please review the information and policies included here. If you have specific questions, you may contact Public Safety at 973-761-9300 or my office at 973-761-9075.

Sincerely,

A handwritten signature in black ink that reads "Monica Burnette". The signature is written in a cursive style with a large initial "M".

Monica N. Burnette, Ph.D.  
Vice President, Student Services

## **ANNUAL SECURITY REPORT**

One of the country's leading Catholic universities, Seton Hall University has been developing students in mind, heart and spirit since 1856. Home to nearly 10,000 undergraduate and graduate students and offering more than 90 rigorous majors, Seton Hall's academic excellence has been singled out for distinction by The Princeton Review, U.S. News & World Report and Bloomberg Businessweek.

The University operates at four separate campuses – the main campus in South Orange, New Jersey, the Law School in Newark, New Jersey, the Interprofessional Health Sciences (IHS) Campus in Nutley, NJ, and a nursing degree program on the campus of Brookdale Community College (BCC) in Freehold, New Jersey. This report is for the nursing program at Brookdale Community College. The program is housed in one building located at 3680 US-9, Freehold, NJ 07728. There are no residential facilities.

### **PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS**

It is the policy of Seton Hall University (SHU) to fully comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The preparation of the Annual Security Report (ASR) is a collaborative effort between Public Safety and Security (PS&S), the Dean of Students Office, Campus Security Authorities (CSA's), and several local law enforcement agencies.

The Assistant Director for Administrative Services, Public Safety mails annual requests for statistics to local law enforcement agencies and is in regular communication with other departments with significant responsibilities for students and University activities. The University complies this information in the University's Annual Security Report.

This report contains three years of crime statistics related to incidents that occurred on University property or property owned or controlled by Seton Hall, and on public property immediately adjacent to and accessible to the campus. The ASR also contains institutional policies about security, sexual violence, safety, and crime prevention.

By October 1 of each year, the Vice President for Student Services sends an email to all members of the University community notifying them of the availability of the ASR. It is available online at <https://www.shu.edu/public-safety/upload/Annual-Security-and-Fire-Safety-Report-Georgian-Court.pdf>. You may also request a printed copy by emailing Public Safety & Security at [security.request@shu.edu](mailto:security.request@shu.edu) or by visiting the department adjacent to the Ward Gate on the main campus at 400 South Orange Avenue, South Orange, NJ.

### **SECURITY AND ACCESS**

Seton Hall University does not have a security presence at Brookdale Community College in Freehold. The building in which our Nursing program is located is owned by Brookdale Community College and is located at 3680 Route 9 South, Freehold NJ 07728. Therefore, security of and access to the building and surrounding area is managed by Monmouth County Sherriff's Department.

### **ENFORCEMENT AND JURISDICTION**

Brookdale Community College Security is managed by Monmouth County Sherriff's Office and BCC on-site security. BCC security officer is located at the security desk. The Monmouth County Sheriff's

Office works closely with the Freehold Township Police Department. Seton Hall students should know that the BCC security officers are unarmed and do not have arrest powers.

## **MONITORING AND REPORTING OF CRIMINAL ACTIVITY**

Seton Hall University has no officially recognized student organizations with non-campus locations.

## **REPORTING CRIMES AND OTHER EMERGENCIES**

If crimes are not reported, the University is limited in its ability to help prevent other members of the community from becoming victims. Our community is safer when we all work together to make it that way by promptly reporting crimes and by participating in and supporting crime prevention efforts.

**In an emergency call 911.**

Seton Hall strongly encourages that all crimes be directly reported to:

- Freehold Township Police Department 732- 462-7908, or 9-1-1.
- Monmouth County Sheriff's Office at 732-431-6400
- Brookdale Community College Security Desk at 732-625-7000
- Seton Hall Public Safety & Security – 973-761-9300, located at the Ward Gate Entrance, 400 South Orange Ave., South Orange, NJ.

In a non-emergency, SHU recognizes that some individuals may prefer to report to other officials or departments on campus. The Clery Act identifies these officials as “Campus Security Authorities” and they include:

- a) Public Safety & Security
- b) Individuals responsible for security outside of PS&S (i.e., event management, building access)
- c) An official who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.
- d) Any individual or organization the institution has identified to which student and employees should report criminal offenses.

All CSA’s have been advised of their responsibility to forward any report they receive to Public Safety and Security. While the University has several CSA’s, the following places are designated as where individuals should report crimes or policy violations:

Seton Hall Public Safety and Security

973-761-9300

located at the Ward Gate Entrance, 400 South Orange Ave., South Orange, NJ.

Dean of Students

973-761-9076

Rm. 215, University Center

400 South Orange Ave., South Orange, NJ.

Title IX Coordinator

973-275-2513

South Orange Campus

400 South Orange Ave.  
South Orange, NJ 07079  
Rm. 108, Bayley Hall

*Anonymous Reporting*

Public Safety & Security also accepts anonymous reports online. Please provide as much detail as possible. If you do wish to speak with someone, you can include your contact information. The form can be accessed here [https://setonhall.formstack.com/forms/anonymous\\_witness](https://setonhall.formstack.com/forms/anonymous_witness)

*Confidential Reporting*

Appropriately credentialed members of the Counseling and Psychological Services, Health Services, and the Priest Community are not CSA's when acting in their counseling, medical, or pastoral role and are considered Confidential Employees. Confidential Employees do not report any information to Public Safety or the Title IX Coordinator without the permission of the individual making the report.

Confidential Employees may be reached at:

Counseling and Psychological Services  
973-761-9500  
4<sup>th</sup> Floor, Rm. 438

Health Services  
973-761-9175  
303 Centre Street (across from the Farinella Gate)  
South Orange, NJ 07079

Campus Ministry  
973-761-9545  
Rm. 103, Boland Hall  
400 South Orange Ave., South Orange, NJ 07079

**TIMELY WARNING**

Public Safety & Security will issue a "timely warning" notice in the event it receives notice of a Clery crime occurring at 555B Lakewood Avenue, on public property immediately adjacent the building, or on non-campus property owned or controlled by the University, where the University determines, in its judgement, that the situation presents a serious or ongoing threat to the University community. For purposes of this policy, "timely" means as soon as reasonably practical after an incident has been reported to Public Safety and Security.

Whether to issue a timely warning is determined on a case-by-case basis for the following Clery Act crimes: homicide, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, domestic violence, dating violence, stalking and hate crimes, as defined by the Clery Act.

In deciding whether to issue a timely warning the University will consider a number of factors to determine if there is a serious or ongoing threat to the University community. Those factors include, but are not limited to, 1) the nature of the incident; 2) when and where the incident occurred; 3) the amount of the information known to PS&S. The reason why the University does or does not issue a

timely warning will be documented and maintained with a copy of the incident report for a period of seven years by PS&S.

The Associate Vice President for Public Safety & Security (AVPPS&S), or their designee, will consult with the Vice President for Student Services, or their designee, who is responsible to decide if a timely warning will be issued. AVPPS&S and Vice President for Student Services will determine the content of the timely warning. The content of timely warning will include at minimum, to the extent known, the date, time, and nature of the offense, a physical description of the actor(s), and where applicable, cautionary advice that would promote safety.

A timely warning is sent by email to all members of the University community by Public Safety and Security. Several members of the PS&S department have been trained to issue these warnings. The University may also use the Pirate Alert system, the University's text message service, to supplement the email message. Additional information about the incident may be sent by email, text message, and/or posted to the University's website.

## **EMERGENCY NOTIFICATION AND EVACUATION**

### **Emergency Response Plan**

The University has a comprehensive Emergency Preparedness and Response Plan. The Plan details the processes and communications for a successful response to, and recovery from, an emergency incident.

Public Safety & Security administrators and security managers have received training in Incident Command and Responding to Critical Incidents on campus. Depending upon the nature of the incident, other University departments and other local, state or federal agencies could also be involved in responding to the incident.

General information about the emergency response and evacuation procedures are part of the University's Campus Security Act compliance efforts and is available on the Public Safety & Security website at: <https://www.shu.edu/public-safety/emergency-preparedness.cfm>

### **Drills, Tests and Exercises**

Public Safety & Security reviews the Emergency Response Plan annually and makes changes as need or required. All changes are reviewed by the Vice President for Student Services.

Emergency notification systems, the Emergency Siren and Pirate Alert, are tested twice per year. Seton Hall does not conduct an evacuation drill of 555B Lakewood Avenue as the building is owned and operated by Brookdale Community College University. BCC is responsible for evacuation drills of this locations. Brookdale Community College Emergency Response Plan can be found here. <https://georgian.edu/wp-content/uploads/Emergency-Operation-Plan.pdf>

### **Emergency Notification**

The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in

the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Upon notification to Public Safety 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 University community, the Associate Vice President for Public Safety & Security (AVPPS&S), or their designee, will consult with the Vice President for Student Services, or their designee, to determine modes of notification.

Public Safety & Security is responsible for issuing emergency notifications; three individuals have been trained to do so – Associate Director, Assistant Director, and Assistant Director for Administrative Services. Several templates have been developed for notifications. The individual issuing the notification will select the appropriate template and modify it to reflect the specifics of the situation. The Vice President for Student Services, or their designee, will assist with the content as needed.

The University has several systems it may use to communicate quickly with the community:

*PirateAlert System* - This is the University's electronic mass notification system through which warnings and instructions are transmitted to the University community via cellular voice, cellular text, landline telephone, and e-mail. All SHU community members are automatically registered to receive e-mail messages and are urged to register with PirateAlert to receive messages through the other modes. In addition, all community members who provide a cell phone number as part of their application automatically have that number entered into the system. PirateAlert is used throughout an emergency event to alert and warn the community of an impending or occurring hazard, to provide instructions such as "shelter-in-place," or to inform the community when the hazard has been abated. The PirateAlert system may also be used to alert the community to hazards that are beyond the scope of crimes and locations specified by the Campus Security Act.

*SHU Web Site and E-mail Alerts* - For emergency events for which there is adequate warning time to alert the SHU community, warnings and detailed emergency instructions may be posted on the SHU web site and broadcast via E-mail Community Alerts. A SHU Emergency Web Site can also be activated to replace the regular web site during emergency events.

An emergency affecting the SHU community would generate concern from groups beyond the individual location. Emergency notification may be disseminated to the larger community through the University website and local, regional, or national media.

Seton Hall students in the Nursing Program at Brookdale Community College University may also receive Timely Warnings from BCC as they are considered to be part of the BCC community as well. For that reason, we encourage Seton Hall students to be familiar with BCC Timely Warning and Emergency Notification policies of Brookdale Community College as described in the University's Annual Security Report. The Brookdale Community College Annual Security Report is available online at <http://georgian.edu/wp-content/uploads/Campus-Safety-Brochure.pdf> or by going to the BCC Office at Security in Raymond Hall East, 2<sup>nd</sup> Floor.

## **SECURITY AWARENESS & CRIME PREVENTION PROGRAMS**

The University encourages all members of the community to be active participants in the prevention of crime. Public Safety leads this effort with the support of other campus departments through educational programs held throughout the year.

<b>PROGRAM</b>	<b>DESCRIPTION</b>	<b>FREQUENCY</b>
Employee Orientation	All new employees are introduced to the services of PS&S.	Monthly

**DRUG, ALCOHOL, AND SUBSTANCE ABUSE**

The possession, sale, or the furnishing of alcohol on the University campus is governed by University policy and New Jersey state law. The enforcement of policies on campus is the responsibility of the Housing & Residence Life staff and Public Safety & Security personnel.

Per New Jersey state law it is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age is illegal. The University also prohibits the possession of alcohol by any student in all public locations on campus.

The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Similarly, University policy does not permit the use, possession, manufacture, or distribution of controlled substances, including paraphernalia on campus property. Enforcement of University policy is the responsibility of Housing & Residence Life staff and Public Safety & Security personnel.

Violators of the University’s alcohol and/or drug policies are subject to disciplinary sanction that may range to University expulsion. In addition, individuals may be referred for criminal prosecution that may include fine and imprisonment.

For employees, substance abuse is detrimental to an individual’s health and may jeopardize safety in the workplace. For these and other reasons, the unauthorized use, possession, storage, manufacture, distribution and sale of alcohol, controlled substances, and illegal drugs is prohibited on campus for all employees. For more information consult Human Resources or the “Drug and Alcohol Free Workplace Policy” at <https://www.shu.edu/policies/drug-alcohol-free-workplace.cfm>

Seton Hall University is committed to a healthy environment for all member of our community. The University’s comprehensive education programs exceed the requirements of the Higher Education Act of 1965, as amended. The biennial review of these programs and more detail about the programs offered can be found at: <https://www.shu.edu/student-life/alcohol-and-other-drug-education-and-programs.cfm>.

Students studying in the Seton Hall University Nursing program at Brookdale Community College University should be aware that they are expected to observe the rules and regulations of BCC, including those related to drug and alcohol possession and use. Those policies may be found in BCC’s Annual Security Report - <http://georgian.edu/wp-content/uploads/Campus-Safety-Brochure.pdf>.

**CAMPUS SEXUAL VIOLENCE ELIMINATION ACT (SaVE Act)**

The Campus SaVE Act, passed in 2013 as part of the Violence Against Women Reauthorization Act, amended the Clery Act to require that colleges and universities include important information about sexual misconduct and violence crime statistics, education, and security-related information in the



Annual Security Report. The crime statistics are included at the end of this Report; the education and security-related information follow.

#### Education & Outreach – Students:

Seton Hall University is committed to fostering a positive and safe working and learning community. All students receive information in written form about University policies, resources, and reporting procedures through available brochures and [a dedicated website](#). In addition, all students complete an online course administered by the Title IX Office each spring that reviews sexual assault, stalking, dating violence, and sexual harassment, and reporting options for students.

Social media and online education and outreach campaigns included:

- MyPlan – promotion of an online app for victims of dating/domestic violence and friends of victims of in dating/domestic violence relationships
- Stalking Prevention and Awareness
- 10 Signs Healthy Relationship Social Media Campaign
- Denim Day – sexual violence awareness program
- Brochures/Online – Information for Reporting/Resources, What to do if Sexually Assaulted, After an Assault, Reporting Sexual Violence, Reporting and Resources for Respondents, and more.

#### Education & Outreach – Employees:

All new employees attend New Employee Orientation within a month of their start date. During this program the Director of EEO Compliance and Title IX Coordinator presents information to all employees about:

University Policy Against Discrimination and the Guidelines for Responding to Complaints of Discrimination, Harassment and Retaliation

Conscientious Employee Protection Act and Reporting via EthicsPoint

Equal Employment Opportunity Affirmative Action Statement

Title IX

Non-discrimination/Title IX Statement

Responsible Employees: Reporting Obligations Under Title IX

Confidential Reporting Resources

Resource Guide for Assisting Student Victims of Sexual Violence

Reporting Options for Survivors

This information is presented orally and in written format.

All employees and faculty members are required to complete two online training modules on a biannual schedule. The modules are: *Preventing Discrimination & Sexual Violence: Title IX, VAWA and CLERY Act for Faculty and Staff* and *Discrimination & Harassment Prevention for Higher Education*. These on-line programs provide information on federal and state law as well as specific Seton Hall policies and procedures. The training provides information on definitions of discrimination and sexual harassment including sexual violence, reporting protocols and questions/vignettes to apply the definitions to different scenarios and fact patterns in order to assist with the understanding of the material.

The Title IX Coordinator, the Dean of Students Office and the KNOW MORE program all offer ongoing training on resources, policies, and required reporting protocol to any student group, faculty, or staff department upon request.

Non-Retaliation Policy:

Retaliation against an individual who exercised his or her right or responsibilities under the Campus SaVE Act is prohibited. The University deems retaliation as serious offense as outlined in its policy [here](#).

Written Notification of Rights and Options:

The University will provide written notification to a student or employee who makes a report of sexual misconduct or violence. That information is also available online [here](#).

Confidential Reporting - Students:

**The University strongly encourages accurate and prompt reporting of these crimes to both campus officials and to local law enforcement.** There are, however, options available for students who wish to maintain confidentiality while getting the support they need.

Crimes reported to a member of the clergy, of Counseling & Psychological Services (CAPS), or of Health Services, when that member is acting in performance of his/her role as clergy, counselor, or medical provider, are considered confidential and will not be reported without the consent of the reporting individual. As a matter of practice, victims and witnesses are provided information as to how they may report a crime on or off campus. By law, members of CAPS and Health Services are required to report when an individual has expressed intent to harm him/herself or others.

Counseling & Psychological Services (CAPS)

Phone: 973-761-9500

Health Services

Phone: 973-761-9175

Campus Ministry

Phone: 973-761-9545

For Off-Campus Resources:

\*To disclose **confidentially** the incident and obtain services from the state of New Jersey visit <http://www.state.nj.us/dcf/women/domestic/> or by calling the NJ Coalition Against Sexual Assault Hotline at 1(800) 601-7200.

Other assistance can also be obtained through:

- Legal Momentum: <https://www.legalmomentum.org/>
- NJCASA: <https://njcasa.org/find-help/>
- Safe Horizons: <http://www.safehorizon.org/>

*\*Note that these hotlines and sites are for crisis intervention, resources, and referrals, and are not reporting mechanisms. Reporting Individuals are encouraged to additionally contact a campus official so that the University can take appropriate action in these cases.*

Confidential Reporting – Employees:

**The University strongly encourages accurate and prompt reporting of these crimes to both campus officials and to local law enforcement.** There are, however, options available for employees who wish to maintain confidentiality.

Employees may call:

CIGNA Employee Assistance Program - 1-877-622-4327

Ethics Point - 1-888-236-7522

For Off-Campus Resources:

\*To disclose **confidentially** the incident and obtain services from the state of New Jersey visit <http://www.state.nj.us/dcf/women/domestic/> or by calling the NJ Coalition Against Sexual Assault Hotline at 1(800) 601-7200.

Other assistance can also be obtained through:

- Legal Momentum: <https://www.legalmomentum.org/>
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- Safe Horizons: <http://www.safehorizon.org/>

*\*Note that these hotlines and sites are for crisis intervention, resources, and referrals, and are not reporting mechanisms. Reporting Individuals are encouraged to additionally contact a campus official so that the University can take appropriate action in these cases.*

Preservation of Evidence and Medical Exam:

A victim can receive medical attention at any medical facility; however, certain facilities have specially trained staff to help survivors of sexual assault. Locally, these hospitals have sexual assault nurse examiners:

Ocean Medical Center  
425 Jack Martin Blvd.  
Brick, NJ 08724  
732-840-2200

Monmouth Medical Center  
South Campus  
600 River Avenue  
Lakewood, NJ 08701  
732-363-1900

It is important to preserve evidence that may be useful in obtaining a protection order or in proceeding with a criminal investigation should one choose to do so. Completing a forensic exam does not require a victim to file a police report or report to the University, although the University encourages these reports if the victim is comfortable doing so.

Medical exams can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy.

If possible, the victim should not bathe, douche, smoke, use the toilet or clean the location where the incident occurred. He/she should save items he/she was wearing, and sheets, or towels in a paper bag.

Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent for a report of sexual assault, dating violence, and domestic violence or stalking.

Privacy:

The University will maintain as private any accommodations or protective measures provided to a victim if it does not impair the ability to provide such measures. Personally identifiable information about victims will not be included in any publicly available record-keeping, including the reporting and disclosure of crime statistics. In addition, should the University be required to issue a Timely Warning as specified by the Clery Act, it will withhold the name and any identifying information of victim of any crime.

**NOTE:** A victim of sexual misconduct **always** has the options:

- To notify either the police or campus authorities.
- To obtain assistance from campus authorities to notify the police.
- To decline to notify the police or campus authorities.

To Report an Incident of Sexual Misconduct or Sexual Violence:

To make a report against a student or for detail about procedures, contact:

Karen Van Norman  
Associate Vice President and Dean of Students  
Deputy Title IX Coordinator  
Rm. 215, University Center  
South Orange Campus  
973-761-9076

To make a report against an employee, faculty member, or vendor or for detail about procedures, contact:

Toni Hindsman  
Director EEO and Title IX Coordinator  
Rm. 108C, Bayley Hall  
South Orange Campus  
973-275-2513

To make a report to local law enforcement:

Freehold Township Police Department  
732-462-7908

The University encourages reports be made to the police and will support you in doing so. The Department of Public Safety and Security will assist you in contacting local law enforcement agencies to initiate an investigation if you so choose.

### Restraining Order and No Contact/Communication Directive:

A Restraining Order is a legal order of protection issued in the state of New Jersey. To obtain a restraining order, you must go to the law enforcement agency for where you live in NJ or for where the incident occurred. After taking your statement, the police will arrange for you to speak with a judge (usually by phone) who will issue a Temporary Restraining Order. You will then be given a court date for when the judge will determine if the Temporary Restraining Order will become Permanent. Again, we will assist you in getting to the police, the courthouse, or any other related places. You can find more details about restraining orders in NJ here - [https://www.judiciary.state.nj.us/prose/11253\\_dv\\_act.pdf](https://www.judiciary.state.nj.us/prose/11253_dv_act.pdf).

A No Contact/Communication Directive is issued by Seton Hall University and only has authority over individuals associated with the University. It limits contact between the parties. Violation of the No Contact/Communication Directive is a violation of University policy and subject to separate review for disciplinary action.

### Definitions:

The State of New Jersey definitions of Domestic Violence, Sexual Assault, and Stalking can be found later in this report with the other Crime Definitions. New Jersey does not have a definition for Consent of Dating Violence.

Following are the definitions for Seton Hall University -

Consent:

Consent is the unambiguous, knowing, and voluntary agreement between the participants to engage in specific sexual activity. Consent must be demonstrated through mutually understandable words or actions clearly indicating a willingness to engage in that activity.

- Past consent between the participants does not imply future consent.
- Silence or the absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be initially given but may be withdrawn at any time.
- Consent cannot be given under coercion, force, restraint, or threat.
- Children and minors cannot consent in accordance with New Jersey law. N.J.S.A 2C: 14-2.
- Consent cannot be given when asleep, unconscious, or incapacitated.

Incapacitation is not being able to knowingly choose to participate in a sexual activity. A person who is voluntarily or involuntarily intoxicated or drugged to the point of incapacitation, asleep, unconscious, involuntarily restrained, or otherwise unaware, cannot give consent.

### Sexual Misconduct

Sexual misconduct is unwelcome conduct of a sexual or gender-based nature that may adversely and unreasonably interfere with someone's education or work. It is determined based on the perspective of a reasonable person in the same circumstances as the person experiencing the misconduct. It is a form of discrimination and includes acts of sexual assault or sexual harassment as defined below. Sexual misconduct can occur in person or through e-mail, the Internet, social media, or other technologies. Anyone, regardless of gender, affectional or sexual orientation, actual or perceived, or gender identity and expression, can be the victim of sexual misconduct.

- a. Sexual Assault: (Non-consensual intercourse). Sexual assault is 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 that person.
- b. Sexual Assault: Non-consensual sexual contact. Nonconsensual sexual contact means the deliberate and unwelcome touching of another person's intimate parts (sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person) without consent for sexual gratification or touching another with one's own intimate parts, without consent, and for the purpose of sexual gratification.
- c. Sexual Harassment. Sexual harassment is unwelcome conduct of a sexual nature, including sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Hostile environment sexual harassment is based on a person's actual or perceived gender and is conduct that a reasonable person would consider so offensive, severe, persistent, or pervasive as to interfere with a person's ability to participate in educational or work activities or programs. Sexual harassment can be verbal, written, graphic, physical or through digital, online, or social media communications. Sexual harassment may occur between persons of any sex/gender and anyone can be sexually harassed. Harassment on the basis of sex may also occur without sexual advances or sexual overtones when conduct is directed at an individual or group because of their sex or gender.
- d. Dating and Domestic Violence. Both dating and domestic violence are prohibited forms of misconduct under this policy and do not have to involve sexual interaction. They frequently involve a pattern of abusive behavior within an intimate relationship where one partner uses fear and intimidation to harm or control the other.
  1. Dating violence is any act of violence committed against a person who is, or has been, in a social relationship of a romantic or intimate nature by a person accused of the violation. It can include verbal statements and/or physical actions and can include, but is not limited to, name-calling, hitting, threat of physical harm, and/or damaging property. Under New Jersey criminal law, dating violence is prosecuted as a form of domestic violence.
  2. Domestic violence involves criminal acts that are committed against a current or former spouse, an intimate partner, a person with whom the parties have a child in common, or with whom they live or once lived. Under New Jersey law, domestic violence includes, but is not limited to, criminal acts of homicide, assault, threats, kidnapping, criminal restraint, false imprisonment, sexual assault, criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, and stalking.
- e. Stalking. Stalking is also a prohibited form of misconduct that does not have to involve sexual interaction. Stalking is a course of conduct (or series of acts) directed at a person on at least two or more occasions that would cause a reasonable person to fear for their personal safety or the safety of others or suffer substantial emotional distress. Stalking can include pursuing/following, unwanted communication, whether directly or through third parties, trespassing, surveillance, or other acts likely to intimidate, annoy, or alarm.

In matters involving allegations of sexual misconduct or discrimination, terms and conditions shall be interpreted consistent with the requirements of the Policy Against Sexual Misconduct, Sexual Harassment and Retaliation.

### Additional Notes on Victim's Rights in Pursuing a Complaint:

Victims have the right to pursue criminal charges against the accused/respondent. If the respondent is a student, complainants can also pursue campus action through the Student Conduct Office or EEO Compliance Office regardless of where the offense occurred. Because of the sensitive nature of sex offenses, the case would be heard administratively or by an administrative board rather than through a student conduct board if the Respondent is a student.

- Victims have the right to choose counseling and medical treatment and to report and pursue their case through the University's system and/or the off-campus court system. They have the right to refuse these options without reproach from any University personnel.
- Victims have the right to be treated with dignity and seriousness by University personnel.
- Victims of personal crimes have the right to be reasonable free from intimidation and harm.
- University personnel should inform victims that: 1) they are not responsible for crimes committed against them; 2) they should not consider themselves negligent or in any way a contributor to the crime; and 3) that adverse publicity for the college will NOT be a factor in deciding the best course of action.
- Victims will be made aware of appropriate support services, including counseling.

### Assistance and Campus Resources - Students:

Regardless of whether the victim chooses to report what happened to local police or to the campus discipline system, there is assistance available, such as:

- Academic assistance - address difficulties with classes
- Counseling – confidential services available on campus
- No Contact/Communication Directive – a University directive prohibiting direct or indirect contact between the victim and the Respondent when the Respondent is a student or employee.

To obtain any of the above assistance, the victim is encouraged to speak with the Dean of Students/Deputy Title IX Coordinator who will arrange the resources if requested and reasonably available. The Dean of Students can be reached at (973) 761-9076, or room 215, University Center. After hours and on weekends, the Dean can be contacted through Public Safety by calling 973-761-9300 – just provide your name and a number where you can be reached.

### Assistance and Campus Resources - Employees:

Regardless of whether the victim chooses to report what happened to local police or to the campus discipline system, there is assistance available, such as:

- Workplace Accommodations – assistance with a location or shift change if reasonably available
- No Contact Order – a University directive prohibiting direct or indirect contact between the victim and the Respondent when the Respondent is a student or employee.

To obtain any of the above assistance, the victim is encouraged to speak with the Director of EEO Compliance/Title IX Coordinator who will arrange the resources if requested and reasonably available.

### Disciplinary Procedures/VAWA

The person bringing forth the report or complaint is referred to as the Complainant. The person against whom the complaint is made is referred to as the Respondent. Whether the

Respondent is a student or employee/faculty member/vendor depends upon which Disciplinary Process is used.

#### Disciplinary Procedures – Student Respondent

The Student Conduct procedures are designed to be prompt, fair, and impartial from the initial investigation through the final result. This is accomplished by:

- Providing timely notice of all meetings to all parties.
- Providing equal access to all information to both the Complainant and the Respondent.
- Conducting the investigation and adjudication by individuals who receive annual training on issues related to sexual misconduct and violence, as well as to how to conduct a fair and impartial investigation and hearing that protects the rights of all parties and promotes accountability within the community.
- Providing for both the Complainant and the Respondent to have an Adviser of their choice present at any meeting associated with the matter (provided that the Adviser is not a Witness in the matter).
- Providing simultaneous written notice to the Complainant and the Respondent of the 1) outcome of the Student Conduct Review Board if one is held, 2) the appeal procedures, 3) any change to the outcome of the Review Board decision.

As a brief overview of the process, the following outline is shared. Determination of which investigative/conduct procedure path is followed is made based upon where the incident occurred. If the incident occurred off campus, the following steps are followed:

- The report is received by the Dean of Students/Deputy Title IX Coordinator. A Notice of Investigation is sent to the Complainant and to the Respondent.
- The matter is assigned to two co-investigators who will meet with the Complainant, the Respondent, and any witnesses with direct information about the matter. The investigators will also collect any relevant and available evidence. The investigation will be completed as efficiently as possible, normally within four to six weeks of the official report.
- The Respondent will be made aware of options available to him/her (to accept responsibility and be sanctioned, to deny responsibility and request a hearing, to permanently withdraw from the University prior to referral to hearing).
- The Complainant and Respondent will each be given an opportunity to review the full investigative report prior to the scheduling of the Student Conduct Review Board hearing.
- If the matter is referred for student conduct hearing, the Complainant and the Respondent will be notified in writing of the time and date of the hearing. The hearing will be scheduled to accommodate the parties' class schedules only. The hearing will normally be scheduled within twenty days of the official notification of the hearing.
- Both the Complainant and Respondent are encouraged to meet with the Board Chair to review hearing procedures prior to the hearing.
- Both the Complainant and Respondent will be notified in writing of the



decision of the Board, normally within ten days of the decision being final. Such notification will include the effective date(s) of any sanction(s) issued.

- The standard of evidence used by the Board in reaching its decision is Preponderance of the Evidence.
- Both the Complainant and Respondent will have the opportunity to appeal within five days of receiving the Board decision. The grounds for appeal are and detailed appeal procedures are listed in the Student Code of Conduct and included in the written notification of the Board's decision.
- Both the Complainant and Respondent will be notified in writing of the decision of any appeal within fifteen days of receipt of the appeal. The appeal authority may increase any sanction issued, decrease any sanction issued, or refer the case for review by a new Board. The written notification will include any change to the original sanction, including any change to the effective date. The decision of the appeal authority is final.

The full Student Conduct Review process is available online at – [Student Code of Conduct](#).

If the incident occurred on-campus, the following steps are followed:

- The Complainant must file the report in writing with the Title IX Coordinator who will review the matter for jurisdiction. If it is determined that the allegation falls within the jurisdiction of the Title IX Office, the matter will proceed; if not, it may be referred to the Student Conduct Office.
- A notice of investigation is sent to the Complainant and to the Respondent.
- The matter is assigned to two co-investigators who will meet with the Complainant, the Respondent, and any witnesses with direct information about the matter. The investigators will also collect any relevant and available evidence. The investigation will be completed as efficiently as possible, normally within two to four months of the official report.
- The Respondent will be made aware of options available to him/her (to accept responsibility and be sanctioned, to deny responsibility and request a hearing, to permanently withdraw from the University prior to referral to hearing).
- The Complainant and Respondent will each be given an opportunity to review the full investigative report prior to the scheduling of the hearing.
- Unlike the Student Conduct Review Board, in the process for the Title IX Office, the Hearing is conducted by a single decision-maker. Also, unlike the Student Conduct Review Board, in the Title IX Office process, the Advisors participate in the Hearing and actively question the parties.
- Both the Complainant and Respondent will be notified in writing of the decision of the decision-maker, normally within ten days of the decision being final. Such notification will include the effective date(s) of any sanction(s) issued.
- The standard of evidence used by the decision-maker in reaching its decision

is Preponderance of the Evidence.

- Both the Complainant and Respondent will have the opportunity to appeal.

The full process is detailed in the Title IX Grievance Procedure available online – [Title IX Grievance Procedure](#).

#### Standard of Evidence – Student Process

That standard of evidence used to determine responsibility for violation of the Student Code of Conduct is Preponderance of the Evidence.

#### Possible Sanctions:

A student found responsible for violation of the University’s policy of sexual misconduct is subject to any of the following possible sanctions.

Responsible for Sexual Assault (Non-consensual intercourse) – University Suspension for one semester, University Suspension for two semesters, University Suspension for three semesters, University Suspension for four semesters, or University Expulsion.

Responsible for Sexual Assault (Non-consensual sexual contact), Dating Violence, Domestic Violence, Stalking, or Sexual Harassment – Probation II for one semester, Probation II for two semesters, Probation II for three semesters, Probation II for four semesters, Probation II for the remainder of time enrolled at the University, Residence Hall Suspension for one semesters, Residence Hall Suspension for two semesters, Residence Hall Suspension for three semesters, Residence Hall Suspension for three semesters, Residence Hall Suspension for four semesters, Residence Hall Expulsion, University Suspension for one semester, University Suspension for two semesters, University Suspension for three semesters, University Suspension for four semesters, or University Expulsion.

In addition to the above issued sanction(s), we may require an educational or developmental sanction such as required counseling, mandated change in residence, restricted access to campus or programs, or required service. Note that this type of sanction is additional and is not a sanction for sexual misconduct or violence by itself.

Sanctions of University Suspension for any period of time and University Expulsion are noted on the academic transcript.

#### Employee Complaint Process:

In those cases when the accused is an employee of the University, the matter is referred to the Office of EEO Compliance and Title IX Coordinator.

The person making the complaint or report is called the “complainant.” The person accused is called the “respondent.” The investigation is conducted by the Director of EEO Compliance/Title IX Coordinator (Director) and an assigned co-investigator. The investigators will interview the Complainant, the Respondent, and any witnesses with direct knowledge about the incident. The investigators will also collect any evidence that directly relates to the incident.

Both the Complainant and the Respondent may be accompanied to any meeting by an adviser of their choice for the sole purpose of providing support. The support person may not have personal

knowledge of or involvement in the matter being reviewed. Respondent's supervisor may not serve as a support person. The support person is not permitted to participate in the investigation by, for example, asking or answering questions. A participant's legal counsel shall not be permitted to participate in or interfere with the University's investigation.

#### Timeline-Employee Complaint Review Process:

The purpose of these Guidelines is to set forth the general procedures that the University may follow when responding to complaints of policy violations by faculty, administrators, or staff involving unlawful discrimination or harassment and/or retaliation under the University's Sexual Misconduct Policy, Anti-Discrimination Policy, or the CEPA Policy.

The Guidelines are meant to describe generally the University's procedures for responding to complaints and conducting investigations of complaints, where necessary. The University may, in its sole and exclusive discretion, deviate from the guidelines.

Within five (5) business days after receipt of the complaint by the Director, the Director will determine, in his/her discretion, whether the complaint falls within the Director's authority and notify the Complainant.

Within five (5) business days after notification to the Complainant that the complaint falls within the Director's authority, as described above, the Director, in consultation with appropriate University personnel, will evaluate the complaint and determine whether an investigation and/or other action is necessary. Although consultation with university personnel is called for under these Guidelines, the determination of whether an investigation is necessary remains at all times with the Director.

Investigations will be completed as promptly as possible and consistent with applicable legal requirements. The time to complete an investigation may vary depending upon the allegations, the number of individuals involved, and the complexity of the issues raised. The Investigators will keep the Complainant and Respondent apprised of the status of the investigation.

Within ten (10) business days following the completion of the investigation, the Complainant and Respondent will be advised verbally of the findings at separate meetings with appropriate University personnel. A confirming letter may be provided.

#### Standard of Evidence-Employee Process:

In evaluating the evidence and assessing credibility, the Investigators will use a "more likely than not" standard to find facts and determine whether a violation of University policy has occurred. The factual findings of the Investigators are final and are not subject to appeal.

#### Sanctions-Employee Process:

If it is determined that a violation of University has occurred, the investigators will make recommendations as to responsive action. Final determination of responsive action is made by appropriate University personnel (i.e., supervisor, Human Resources).

When disciplinary action is recommended, such action may include one or more of the following:

- Informal and formal counseling

- Mandatory training
- Progressive disciplinary action
- No contact order
- Transfer of position
- Removal of administrative appointment
- Demotion
- Suspension
- Termination of employment

In addition to other sanctions, the Title IX Coordinator may recommend employment modifications, as may be appropriate, supervision and/or security at locations where the Prohibited Conduct occurred or is likely to recur; arrange for conducting targeted or broad-based educational programming or training for relevant persons or groups; and/or impose any other remedial or protective measures that are tailored to achieve the goals of the policy.

### **Grievance Procedure – Title IX**

On May 19, 2020, the US Department of Education issued a final rule under Title IX of the Education Amendments of 1972. Only incidents which fall within the scope of the Final Rule’s definition of “covered sexual harassment” will be handled in accordance with this [Grievance Procedure](#). All other incidents will be referred to the Student Conduct Process or Employee Process described above.

### **CAMPUS SEX CRIMES PREVENTION ACT**

A law requiring convicted sex offenders to report to appropriate state and local agencies responsible for sex offender registration and document their enrollment as a student, volunteer or acceptance of employment at educational institutions. The University will be notified of all offenders who fit the criteria. The New Jersey State Police website for information on registered sex offenders can be found at [http://www.njsp.org/info/reg\\_sexoffend.html](http://www.njsp.org/info/reg_sexoffend.html).

### **GOOD SAMARITAN POLICY**

Student health and safety are fundamental to our community. Whenever there is concern for another student or belief that assistance is needed, students are expected to contact Public Safety. In the case of a medical emergency, students should immediately call 911.

Students who seek medical assistance for themselves or for an individual who is intoxicated or experiencing an alcohol-related emergency will not be subject to University disciplinary action related to the alcohol policy. Furthermore, the intoxicated student who receives medical assistance will not be subject to University disciplinary action.

When an incident that falls under the Good Samaritan Policy occurs, the student(s) involved will be required to meet with the Office of the Dean of Students to review the matter. While no formal disciplinary sanction (i.e., Probation) will be applied, an appropriate educational response may be. This may include participation in an educational class, mandated counseling assessment, additional fee for

ambulance service, and/or parental notification. Failure to complete the educational requirements will result in referral to the University discipline system.

The following is also of important note:

- Other violations of the Student Code related to the same incident may be referred for disciplinary review and sanction.
- A student involved in more than one incident that falls under the Good Samaritan Policy may be subject to disciplinary sanction.
- Students may still be subject to local and state law for their behavior.
- The University reserves the right to review each incident on a case-by-case basis.

For information about New Jersey's 9-1-1 Lifeline Legislation, please see:

<http://www.drugfreenj.org/assets/control/content/files/911%20Flier.pdf>

## **CRIME DEFINITIONS – FEDERAL**

The Campus Security Act delineates what violations need to be reported. The offense definitions are excerpted from the Uniform Crime Reporting Handbook. The definitions of sex offenses are excerpted from the national-incident based reporting edition of the Uniform Crime Reporting Handbook (FBI Uniform Crime Reporting (UCR) / National Incident-Based Reporting System (NIBRS) definitions).

**Criminal Homicide, Murder and Non-Negligent Manslaughter:** The willful killing of one human being by another.

**Criminal Homicide, Manslaughter by Negligence:** The killing of another person through gross negligence.

**Arson:** Willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle, personal property of another.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm although it is not necessary that injury result when a weapon is used.

**Robbery:** The taking or attempted taking of anything of value from the care, custody or control of a person by force, threat of force or violence and/or by putting the victim in fear.

**Burglary:** Unlawful entry of a structure to commit a crime and all attempts to do so.

**Motor Vehicle Theft:** The taking or attempted taking or use of a motor vehicle by persons without lawful access.

**Liquor Law Violations:** Violations and attempted violations of laws and ordinances prohibiting the manufacturing, sale, transportation, possession or furnishing of intoxicating liquor including, but not limited to, maintaining unlawful drinking places; furnishing liquor to a minor or intoxicated person; and drinking on a common carrier.

**Drug Abuse Violations:** Violations of state and local laws related to possession, sale, use, growing or manufacturing narcotic drugs.

**Weapons Law Violations:** Violations of laws or ordinances dealing with weapons offenses that are regulatory in nature such as the manufacture, sale, or possession of deadly weapons, and all attempts to commit any of the aforementioned.

### **Weapons Policy**

Firearms and dangerous weapons are not permitted on Seton Hall University property unless the possessor is a sworn law enforcement officer. The intentional use, possession and/or sale of weapons is a violation of New Jersey state law and Seton Hall University policy.

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

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age (age of consent in NJ is 17) or because of their temporary or permanent mental incapacity.

**Incest:** Non-forcible sexual intercourse between two 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 the statutory age of consent.

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

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic violence laws of the jurisdiction in which the crime of violence occurred OR by any other person against an adult or youth victim who is protected under the domestic 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 the relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship and the frequency of interaction between persons involved in the relationship.

## **CRIME DEFINITIONS – STATE OF NEW JERSEY**

The Violence Against Women Act requires the inclusion of certain state definitions in the Campus Security Report and also require that those definitions be provided in campaigns, orientations, programs and trainings for employees and students. Definitions required include consent, dating violence, domestic violence, sexual assault, and stalking. Note that the crime statistics listed later in this document are based upon federal definitions as required by the Campus Security Act, and are not reflective of state definitions.

**Consent:** New Jersey State does not define consent in a separate statute.

**Dating Violence:** New Jersey State does not specifically define “dating violence.” However, under New Jersey Law, intimate relationships are covered by the definition of domestic violence when the act constitutes a crime listed elsewhere in this document and is committed by a person in an “intimate relationship” with the victim.

**Domestic Violence: Section 2C:25-19**

**Universal Citation:** NJ Rev Stat § 2C:25-19 (2013)

### **2C:25-19. Definitions**

3. As used in this act:

a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:

- (1) Homicide N.J.S.2C:11-1 et seq.
- (2) Assault N.J.S.2C:12-1
- (3) Terroristic threats N.J.S.2C:12-3
- (4) Kidnapping N.J.S.2C:13-1
- (5) Criminal restraint N.J.S.2C:13-2
- (6) False imprisonment N.J.S.2C:13-3
- (7) Sexual assault N.J.S.2C:14-2
- (8) Criminal sexual contact N.J.S.2C:14-3
- (9) Lewdness N.J.S.2C:14-4
- (10) Criminal mischief N.J.S.2C:17-3
- (11) Burglary N.J.S.2C:18-2
- (12) Criminal trespass N.J.S.2C:18-3
- (13) Harassment N.J.S.2C:33-4
- (14) Stalking P.L.1992, c.209 (C.2C:12-10)

When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.

c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.

d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present or former household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.

e. "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.

#### **Sexual Assault:2C:14-2 Sexual assault.**

2C:14-2. 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 by virtue of the actor's legal, professional, or occupational status, or
  - (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
- (3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, 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 incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent.



Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

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

Sexual assault is a crime of the second degree.

### **2C:14-3 Aggravated criminal sexual contact; criminal sexual contact**

a. An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a. (2) through(7).

Aggravated criminal sexual contact is a crime of the third degree.

b. An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section 2C:14-2c. (1) through(4).

Criminal sexual contact is a crime of the fourth degree.

### **Stalking: Section 2C:12-10**

**Universal Citation:** NJ Rev Stat § 2C:12-10 (2013)

**2C:12-10 Definitions; stalking designated a crime; degrees.**

1. 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.

## **DEFINITIONS OF GEOGRAPHY**

The following definitions are from *The Handbook for Campus Safety and Security Reporting*. Public Safety and Security is responsible for identifying the University's geography as defined by the Clery Act.

**On-Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Public Property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Non-campus Buildings or Property** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## **UNFOUNDED CRIMES**

The University will report a crime as "unfounded" only if sworn or commissioned law enforcement personnel make formal determination that the report is false or baseless.

**CLERY REPORTABLE CRIMES**

**for Brookdale Community College September through December 2022**

**Note:** These statistics include all reports of crimes made to Campus Security Authorities, to Public Safety & Security, and to local law enforcement agencies. These are reports of crimes, and do not necessarily represent actual, investigated, or adjudicated crimes.

**CRIMINAL OFFENSES**

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-negligent Manslaughter	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Manslaughter by Negligence	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Rape	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Fondling	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Incest	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Statutory Rape	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Robbery	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Aggravated Assault	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Burglary	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Motor Vehicle Theft	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Arson	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0

**VAWA OFFENSES**

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Domestic Violence	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Dating Violence	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Stalking	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0

**ARRESTS & DISCIPLINARY REFERRALS**

OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapons, Carrying, Possessing, etc.	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Disciplinary Referrals: Weapons, Carrying, Possessing, etc.	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Arrests: Drug Abuse Violations	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Arrests: Liquor Law Violations	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0
Disciplinary Referrals: Liquor Law Violations	2020	N/A	N/A	N/A	N/A
	2021	N/A	N/A	N/A	N/A
	2022	0	N/A	0	0

## **Hate Crimes**

There were no reported hate crimes at the Seton Hall University Nursing Program at Brookdale Community College in 2020, 2021 or 2022.

Seton Hall University does not tolerate bias activity and will ensure that any reported incident is fully investigated. To report a bias crime, contact the Freehold Township Police Department at (732)462-7908, Monmouth County Sheriff's Office at (732)987-2611, or the Seton Hall University Department of Public Safety at (973)761-9300.