

Thomas Edison State University

Campus Security Report

Introduction

Thomas Edison State University places the safety and security of all students and staff as its highest priority. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (originally the Student Right-To-Know and Campus Security Act under Public Law 101- 542, as amended by the Higher Educational Technical Amendments of 1991), requires all College and Universities to publish and distribute an annual security report containing crime statistics, as well as security policies and procedures. The Act is enforced by the United States Department of Education. The Clery Act requires that the University publish a report every year, by October 1st, that contains the three most recent years of campus crime statistics and certain campus security policy statements.

Procedures for Preparing the Annual Disclosure of Crime Statistics

The Office of Facilities and Operations works closely with the Office of Human Resources and several other University departments in preparing the annual disclosure of crime statistics within the Campus Security Report. The Office of Facilities and Operations maintains a daily crime log, which is available to the public. This log maintains a listing of all crimes reported.

The purpose of this Campus Security Report is to provide crime statistics, and safety and security procedures. In conforming to the Jeanne Clery Act, Thomas Edison State University is proud to present the institution's statistics. The Office of Facilities and Operations will ensure that the victim's personally identifying information will not be included in any public record keeping, including Clery Act and disclosures such as the annual security report and daily crime logs.

The Clery Act

The Clery Act requires Thomas Edison State University to disclose three general categories of crime statistics, some with significant subcategories and conditions:

1) Criminal Offenses—

- Criminal Homicide, including:
 - Murder and Non-negligent Manslaughter, and
 - Negligent Manslaughter
- Sex Offenses including:
 - Forcible, and
 - Non-forcible
- Domestic Violence
- Dating Violence
- Stalking
- Robbery
- Aggravated Assault
- Burglary, where:
 - There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.
 - Unlawful entry must be of a structure - having four walls, a roof, and a door.

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- There is evidence that the entry was made in order to commit a felony or theft.
- Motor Vehicle Theft
- And Arson.

2) **Hate Crimes**—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias; and

3) **Arrests and Referrals for Disciplinary Action**

In compliance with the Jeanne Clery Act, this report is attached as Appendix A, which lists all reportable statistics. The crime statistics can also be viewed in comparison to other institutions at the U.S. Department of Education <http://ope.ed.gov/security/InstList.aspx>.

Drug and Alcohol Abuse Prevention

The University has a policy against the unlawful possession, use, and sale, distribution of alcohol and illegal drugs. The policy enforces state drug and alcohol underage drinking laws. Individuals under the age of 21 are considered underage for drinking in New Jersey. Please refer to our policy:

I. Thomas Edison State University students are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of a drug or alcohol in the University.

- A. A drug means a controlled dangerous substance, analog or immediate precursor as listed in Schedules I through V in the New Jersey Controlled Dangerous Substances Act, N.J.S.A. 24:21-1, et seq., and as modified in any regulation issued by the Commissioner of the Department of Health. It also includes controlled substances in schedules I through V of Section 202 of the Federal Controlled Substance Act (21 U.S.C.812). The term shall not include tobacco or tobacco products or distilled spirits, wine or malt beverages as they are defined or used in N.J.S.A. 33:1-1 et seq.
- B. “Student” means all Thomas Edison State University students who are enrolled in degree programs or certificate programs, or who are registered for a University course.
- C. “University” means the physical area of operation of Thomas Edison State University, including buildings, grounds and parking facilities controlled by the University. It includes any field location or site at which a student is engaged, or authorized to engage, in academic work activity, and includes any travel between such sites.

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II. Sanctions

- A. Any student who is found to be involved in the unlawful manufacture, distribution or dispensation of a drug or alcohol in the University may face disciplinary sanctions consistent with local, state and federal law up to and including expulsion from the University and referral to the appropriate legal authorities for prosecution.
- B. Conviction (see definition D below) of any student for the unlawful manufacture, distribution or dispensation of drugs in the University will result in the immediate implementation of dismissal or expulsion proceedings.
- C. Any student who is convicted of a federal or state offense consisting of the unlawful possession or use of a drug in the University will be referred to an authorized agency for counseling, and shall be required to satisfactorily participate in a drug abuse assistance or rehabilitation program. Failure to participate as outlined above may result in dismissal.
- D. "Conviction" means a finding of guilt, or a plea of guilty, before a court of competent jurisdiction, and, where applicable, a plea of "nolo contendere." A conviction is deemed to occur at the time the plea is accepted or verdict returned. It does not include entry into and successful completion of a pretrial intervention program, pursuant to N.J.S.A. 2C:43-12 et seq., or a conditional discharge, pursuant to N.J.S.A. 2C:3

III. Examples of New Jersey Drug Law Penalties

- > Six-month loss or delay of a driver's license for conviction of any drug offense.
- > A \$500 to \$3,000 fine for conviction of various drug offenses.
- > Forfeiture of property including automobiles or houses if used in a drug offense.
- > Doubled penalties for any adult convicted of giving or dealing drugs to someone under 18 years of age.
- > Twenty-five years in prison without parole for any adult convicted of being in charge of a drug-dealing ring.

IV. Drug and Alcohol Counseling/ Prevention

Referrals may be made to agencies listed in the New Jersey Division of Mental Health and Addiction Services, "Prevention Providers Directory" and "Treatment Directory." Students who reside in New Jersey may be referred to treatment centers listed in the above directories. Out-of-state students may be referred to agencies in their respective states that are listed in the U.S. Department of Health and Human Services directory, "Citizen's Alcohol and Other Drugs Prevention Directory."

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V. Appeals

Any student accused of unlawful possession, use or distribution of illicit drugs and/or alcohol may request an internal hearing before the University hearing officer prior to disciplinary action or dismissal, in accordance with Nonacademic Code of Conduct procedures.

VI. Health Risks Associated With Alcohol and Drug Abuse

Taken in large quantities over long periods of time, alcohol can damage the liver, brain and heart. Repeated use of alcohol can cause damage to the lungs, brain, liver and kidneys. Death due to a drug overdose is always a possibility for the drug user. In addition to physical damage caused by alcohol and drug abuse, there are mental effects such as changes in mood and behavior and lack of interest and drive. The University will provide information concerning drug abuse to any student, officer or employee of the University.

Timely Warning and Emergency Notification

Thomas Edison State University is required to notify the University's community of certain emergencies and specific crimes that are considered to be a threat to staff and/or students that are covered by the Clery Act. The Clery Act crimes are: criminal homicide including murder and negligent manslaughter, sexual offenses, robbery, aggravated assault, burglary, arson, motor vehicle theft, and hate crimes.

In order to effectively distribute safety information, regarding the crime or emergency that has been received, the Director of Facilities and Operations or member of the President's Council will contact the Director of Communications or Designee, who will then disseminate timely warnings and emergency notifications through e-mails, text messages, the University's Cisco phone system and the University's web site. Any member of the President's Council or the Director of Facilities and Operations are authorized to direct the Director of Communications to issue the alert. The alerts are disseminated as soon as pertinent information is available.

Timely warnings provide the time, location and type of crime committed on or near the University's facilities. The information provided by timely warnings is designed to promote safety and allow individuals to take precautionary measures. Emergency notifications are issued without delay upon confirmation that there has been a significant emergency or dangerous situation occurring on or near the University's facilities that involves an immediate threat to the health and/or safety of staff or students. These threats consist of an array of hazards, including but not limited to: natural disasters, violent crimes, or environmental danger. The incident will conclude with an overview of the resolved crisis. All staff and students that are on campus will be notified of any emergency. Notifications will not be segmented into smaller populations.

The University tests the procedures for notification and the emergency communication systems annually. The testing of the University's Cisco phone system emergency alert is on a quarterly

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basis. Results from the testing can be accessed by contacting the Office of Facilities and Operations at 609-984-1661. All new on-site students and staff are asked to provide their cell phone numbers to be added to the text notification system. Staff can update their cell phone numbers at any time through the ADP payroll service system.

Safety Policies and Procedures at Thomas Edison State University

While Thomas Edison State University offers limited classroom instruction, students regularly come to the University to seek information about its academic programs, to meet with academic advisors, to take proficiency exams, or to visit. The Office of Facilities and Operations provides training and communication biannually to on-site students and staff.

Procedures for Students and Staff to Report Criminal Actions or other Emergencies.

If a crime occurs while a student/staff member is at the University, they should call 911 and/or immediately contact the security guard of the nearest University building. The security guard, who are employees of the New Jersey State Police, are trained to contact the appropriate authorities. The NJ State Police has jurisdiction and access to all University facilities.

In addition, any crime should be reported to the University's Director of Facilities and Operations, Mary Hack. The Director may ask for a written report. A copy of this report will be given to the Vice President of Administration and Finance and the President's Council for corrective action, if necessary.

Information concerning any University crime is housed in a detailed log maintained by each security station and security personnel. Security guards are required to complete incident reports reviewed by the New Jersey State Police and Trenton law enforcement local authorities following an incident. Information recorded in the logs include; date the crime was reported, date and time the crime occurred, nature of the crime, the general location of the crime and disposition of the complaint if known. Specific information regarding crime is available upon request from the Director of Facilities and Operations, Mary Hack located in Kelsey Hall. The Director can be contacted by telephone at (609) 984-1661 or by letter at:

Thomas Edison State University
Attention: Director of Facilities and Operations
111 West State St., Trenton NJ 08608

If a crime report involves an employee of the University, the Director of Human Resources, Heather Brooks, will be notified and appropriate action will be taken.

Crime can also be reported confidentially to the NJ State Police at any time by calling (609) 777-4949, 24 hours a day, 7 days per week.

Please keep in mind that suspicious activity throughout the State of NJ can be reported 24/7 to the NJ Office of Homeland Security and Preparedness, Counterterrorism Watch by phone:

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866-4SAFENJ (866-472-3365) or 2-1-1 and/or email: tips@njohsp.gov.

Crime Prevention

All staff and on campus students are sent emails on a semi-annual basis regarding crime prevention. These communications include the following information:

“If you see something, say something.” Please be mindful to follow the safety guidelines below:

- Be aware of your surroundings. Keep an eye out for people in front of you and behind you.
- Walk with someone, if possible.
- Do not walk alone in an alley.
- Have your keys in your hand before approaching your vehicle.
- Try not to talk on your cell phone.
- Walk confidently with a steady pace. Avoid talking to strangers.
- Lock your vehicle as soon as you enter it. Keep your windows up.
- If you feel the need to have someone escort you to your vehicle, you may contact the nearest building security officer or call the New Jersey State Police (NJSP) at 609-777-4949. Staff who are at Kelsey Hall can call the Capital State Police at 984-4222.

The Campus Sex Crimes Prevention Act

Administered by the Department of Education, all institutions of higher learning are required to make available to their respective campus communities where information concerning registered sex offenders may be obtained. This information may be obtained at the NJ Sex Offender Internet Registry <http://www.njsp.org/sex-offender-registry/index.shtml>.

New Jersey Resources and counseling available for victims of crime and sexual misconduct/assault:

- New Jersey State Parole Board Victim Services 609-292-4582
- State of New Jersey Victims of Crime Compensation Board (VCCB) 877-658-2221
- New Jersey State Office of Victim-Witness Advocacy 609-896-8855
- NJ Department of Community Affairs Domestic Violence Hotline 800-572-SAFE (7233)
- Mothers against Drunk Driving (MADD) Hotline 800-438-6233 800-GET-MADD
- New Jersey Coalition against Sexual Assault Hotline 800-601-7200
- New Jersey's Crime Victim's Law Center 973-729-9342
- New Jersey Division on Women 609-292-8840
- WomanSpace New Jersey Statewide 24 hour counseling hotline (800) 572-7233

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University Security Stations and Building Hours of Operation

George A. Pruitt Hall

301 West State Street
Trenton, New Jersey 08618
(609) 599-9443 (ext. 4325)
Hours – 7:00 AM – 8:00 PM

Kelsey Hall/CLT Building

111 West State Street
Trenton, New Jersey 08608
(609) 292-7361 (ext. 2357)
Hours – 7:00 AM – 11:00 PM

Hanover Hall

167 West Hanover Street
Trenton, New Jersey 08618
(609) 292-0078 (ext. 3540)
Hours – 7:00 AM – 8:00 PM

Canal Banks Building

221 West Hanover Street
Trenton, New Jersey 08618
(609) 292-1611 (ext. 3542)
Hours – 7:00 AM – 5:30 PM

New Jersey State Police

609-777-4949 (24/7)

A card access system of electronically encoded cards and University photo ID cards are in use for entrance into all buildings. After hours of operations, no student or staff member will have access to the campus buildings unless considered essential personnel with prior authorization. Security Officers lock all of the campus buildings nightly and conduct routine security walkthroughs throughout the buildings.

For more information regarding University Security, please contact the Office of Facilities at 609-984-1661.

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Campus Safety and Crime Prevention Programs

The Office of Facilities and Operations works closely with the New Jersey State Police who have jurisdiction of the University's Campus security. Starting in calendar year 2017, the University will conduct staff training in conjunction with the New Jersey State Police. This annual training will involve bomb threats, active shooter incidents and crime awareness. In addition, the University has unarmed guards in campus facilities, who are employed and supervised by the NJ State Police, receive training twice per year, and conduct an infrastructure protection review on crime prevention in the facilities.

The Office of Facilities and Operations encourages members of Thomas Edison State University community to use this report as a guide for safe practices both on and off campus.

Thomas Edison State University does not offer on/ off campus housing to student nor student organizations.

Evacuation Plans and Procedures

Thomas Edison State University maintains a mandatory evacuation policy for all facilities. In the event of a fire or upon activation of any fire alarm, all building occupants are required to be evacuated. Building occupants are required to exit the building via the nearest exit doors. Fire drills are conducted annually for all facilities with supervision from the New Jersey State Police and the local Fire Department in attendance. These annual scheduled drills and exercises are designed for assessment and evaluation of emergency plans and capabilities. Results of the tests are documented to include date, time, whether they were announced or unannounced, and the timeframe of evacuating each building. This year's results found no deficiencies and evacuations occurred within 4 minutes or less for each building. The written results of the drills can be accessed by contacting the Office of Facilities and Operations at 609-984-1661.

All University facilities have evacuation plans specific to their building. The University's evacuation plans can be found on the web site.

University safety and security procedures and building evacuation plans are updated and distributed semiannually to all students and staff. They are also accessible on our website at <http://www.tesu.edu/about/ir/HEOA-Student-Consumer-Information.cfm>.

Reporting Sexual Misconduct

Title IX of the Education Amendments of 1972, and its implementing regulations, prohibit discrimination on the basis of sex in education programs or activities at higher education institutions receiving federal financial assistance. Title IX, therefore, protects all students from sexual violence/misconduct, regardless of race, national origin, disability, part-time/full-time status, sexual orientation or gender identity. Anyone who has experienced, witnessed or knows about sexual violence/misconduct is encouraged to seek help and report the incident as soon as possible. The

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University will ensure that the victim's personally identifying information will not be included in any public record keeping. Internal complaints should be made to the University's Title IX Coordinator:

Heather Brooks
Title IX Coordinator
315 West State Street
Trenton, NJ 08618
609-984-1114 x 4140
HBrooks@tesu.edu

The Title IX coordinator administers the complaint investigation and monitors the disposition of complaints. Complaints against individuals who are not students should also be made to the Title IX coordinator, but will be subject to other applicable procedures including staff disciplinary and internal complaint procedures. The University will conduct a prompt, thorough investigation into a report of sexual misconduct.

The procedures set forth below afford a prompt response to reports of sexual misconduct, maintain confidentiality and fairness consistent with applicable legal requirements, and impose appropriate sanctions on violators of this Policy. The Title IX Coordinator conducts thorough and impartial investigations into the facts of a case including interviewing the complainant, respondent, witnesses or others who may have relevant information, and collecting any other evidence deemed relevant to a case.

The Title IX Coordinator, Deputy Title IX Coordinator, and committee members are trained annually on issues related to sexual misconduct and instructed on how to conduct effective and impartial investigations and administer a conduct process that protects the safety of victims and promotes accountability.

Definitions of Sexual Misconduct:

DATING VIOLENCE: Threatened or actual physical or sexual violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes the use or threat of physical force or restraint carried out with the intent of causing pain or injury to another within a dating relationship. In accordance with N.J.S.A. 18A:37-34. "Dating partner" means any person involved in an intimate association with another individual that is primarily characterized by the expectation of affectionate involvement, whether casual, serious, or long-term.

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DOMESTIC VIOLENCE: Threatened or actual physical or sexual 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 cohabitating with or having cohabitated with the victim as a spouse, or by any other person against a victim who is protected from that person's acts under the domestic or family violence laws.

Examples of behavior that may constitute domestic or dating violence include (but are not limited to) the following:

- Hitting, punching, pinching, slapping, or choking someone with whom the person is intimately involved.
- Violating a protective order.
- Touching an intimate partner sexually without the person's consent.

IN NJ Statute: 2C:25-19. Definitions.

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)

RETALIATION: Reprisal, interference, restraint, penalty, discrimination, intimidation, threats, harassment or any other adverse action taken against a person who reports sexual misconduct or any person involved in the investigation of such a report. Retaliation may occur in response to engaging in permitted conduct or for refusing to engage in prohibited conduct.

SEXUAL ASSAULT: Often referred to as rape, is legally defined differently in each state. In New Jersey, the law defines sexual assault as "the penetration, no matter how slight, in which

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physical force or coercion is used or in which the victim is physically or mentally incapacitated". For the full definition of sexual assault please refer to NJSA 2C:14-1.

The law in New Jersey, which is gender neutral, does not specify male or female, but uses the words "actor" and "victim" to describe the persons involved.

- Non-Consensual Sexual Contact (or attempts to commit) defined as any intentional sexual touching with any object(s) or body part that is without consent and/or by force. Sexual contact is defined as kissing or touching others intimate parts. Intimate parts may include, but are not limited to, a person's groin, buttocks, mouth or breasts.
- Non-Consensual Sexual Intercourse (or attempts to commit) defined as penetration, no matter how slight, of a person's vagina, anus or mouth with any object(s) or sex organ that is without consent and/or by force.

CONSENT: According to New Jersey law, age, physical impairment and mental impairment all contribute to a person's ability to give consent. 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 at least 13 years old, but less than 16 years old 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 EXPLOITATION: Occurs when a person takes advantage of another without that individual's consent for the initiator's own advantage or benefit or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

SEXUAL HARASSMENT: Unwelcome conduct of a sexual nature including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment also may include inappropriate touching, suggestive comments, and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any legitimate academic or workplace purpose. Sexual Harassment also exists when: (1) submission to conduct is made as express or implicit term or condition of an individual's employment, performance, appraisal, or evaluation of academic performance; or (2) unlawful conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, humiliating, or offensive working or learning environment.

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STALKING: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress. Examples of behavior that would constitute stalking may include the following:

- Spreading lies about a person;
- Repeatedly communicating with a person who doesn't wish to be communicated with;
- Follow a person or lying in wait for another; or
- Sending unwanted gifts to another.

In new Jersey N.J. Stat. § 2C:12-10. Definitions; stalking designated a crime; degrees. (2009)

As used in this act:

- "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.
- "Repeatedly" means on two or more occasions.
- "Emotional distress" means significant mental suffering or distress.
- "Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.
- A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.
- A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.
- A person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.
- A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state or the United States.
- This act shall not apply to conduct which occurs during organized group picketing.

Right to Pursue Criminal Charges

After receiving a report, the Title IX Coordinator will inform individuals of their right to file an incident report with law enforcement. 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 to make such a report and victims have the right to decline involvement with the police.

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The College's Title IX Coordinator (or designee) will assist any victim with notifying local police or other law enforcement authorities, if he/she so desires.

A complainant may choose NOT to have law enforcement contacted and no report filed BUT still may have forensic evidence collected. (Note: The Complainant later may choose to file a police report and cooperate with a criminal investigation.) Victims of sexual assault are encouraged to request and cooperate fully with an investigation so the possibility of filing criminal charges remains an option, if they later chose to do so.

There is no statute of limitations on reporting a sexual assault to the police department. A survivor can make a report at any time. The NJ State Police may be contacted for additional information concerning sexual assault reports.

If a survivor does not want to make a report to police, he/she may seek civil remedies, including the filing of an application for a restraining order. For additional information about civil remedies, the survivor should contact his/her own legal counsel.

A complainant may file a police incident report and ask that the investigation and charges be pursued immediately. While the prosecuting attorney is still the decision-maker in whether the perpetrator is charged criminally, the complainant can cooperate and provide as much timely information as may be possible.

Preserving Evidence

It is important that victims take steps to preserve and collect evidence; doing so preserves the full range of options available, be it through the university's administrative complaint procedures or criminal prosecution. To preserve evidence:

1. do not wash your face or hands
2. do not shower or bathe
3. do not brush your teeth
4. do not change clothes or straighten up the area where the assault took place
5. do not dispose of clothes or other items that were present during the assault, or use the restroom
6. seek a medical exam immediately

If the victim has already cleaned up from the assault, he/she can still report the crime, as well as seek medical or counseling treatment. The victim may contact the police, consult with the campus Title IX Coordinator, or a local sexual assault victim resource center.

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Interim and/ or protective measures

The University is required to and will take interim and/ or protective measures at any point during an investigation. These actions are designed to eliminate the harassment/sexual misconduct and prevent its recurrence. These measures may include, but are not limited to, no contact orders, academic accommodations, changes in supervisor or work location, social restrictions, changes in parking locations, increased security, and/or emotional and other support. An accused student may be issued an Interim Suspension (i.e. suspension from classes, and other privileges or activities or from the University) until resolution of a case.

If the Respondent is a member of the University, a No Contact Order may be issued to all parties involved by the University. This will prohibit communication between the parties, including contact verbally, in writing, through technology, or by third parties. If a student has been the victim of domestic or dating violence, stalking or sexual abuse, she/he also should consider obtaining a restraining order from the New Jersey Superior Court.

Policies and Procedures

The University follows the Nonacademic Code of Conduct procedure that can be found at the following link: <http://www.tesu.edu/academics/catalog/Nonacademic-Code-of-Conduct.cfm> and will be followed for complaints against students. The full policy is listed below.

Nonacademic Code of Conduct

Preamble

Thomas Edison State University provides flexible, high quality, collegiate learning opportunities for self-directed adults. The University is dedicated to maintaining a scholarly community in which the freedom of expression both written and oral is greatly valued. Members of the University community are expected to interact with each other with respect, consideration and in a civil manner. Civility requires cooperation, tolerance, acceptance, inclusiveness, courtesy, and patience. It is expressed not only in the words that are chosen, but in tone, demeanor, and actions.

Purpose

The purpose of this policy is to advise the students of Thomas Edison State University of their responsibilities and expected conduct when interacting with other students, mentors or staff of the University in nonacademic situations or activities. Furthermore, it provides procedures for filing complaints, investigations, hearings, the range of possible sanctions and appeals under this policy.

Statement of Responsibilities and Conduct

Students at Thomas Edison State University are expected to be mature, self-directed and responsible for their progress and the achievement of their personal academic goals. They are expected to know and comply with the policies, rules and procedures of the University; satisfy their financial obligations; respect University resources; and comply with requests of academic and administrative personnel in the conduct of their professional duties.

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Interaction between students and the University is expected to be thoughtful, professional, respectful and civil. Accordingly, any behavior that threatens or endangers the safety or welfare of members of the University community, or substantially disrupts or threatens to substantially disrupt the operation of the University, is prohibited and shall be grounds for disciplinary action, including dismissal from the University. Such prohibited behaviors include, but are not limited to, harassment, abusive actions, physical threats and disruptive conduct.

Violations

Behavior by students that violates the Nonacademic Code of Conduct and that takes place on Thomas Edison State University premises, during University-related activities, or which adversely affects the University community, shall be grounds for disciplinary action by the University. The University reserves the right, notwithstanding anything contained herein, to refer any nonacademic offense to the appropriate civil or criminal authority, as it may deem appropriate. Violations of the Nonacademic Code of Conduct may include, but are not limited to, the following:

- Disruption of University activities - exam administration, online courses, assessment activities, studying, research, administration and meetings. These activities may also be considered a violation of the Academic Code of Conduct. When there are academic elements involved the case will also be referred to the appropriate dean for review.
- Sexual misconduct domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
- Unauthorized Entry and Use - unauthorized entry and/or use of any University network, building, facility, room or office. Facilities include, but are not limited to, the Trenton offices, off-site centers and special event venues.
- Misappropriation/Misuse of or Damage to University property, including misappropriation of or possession of misappropriated University property; intentional or negligent damage of University property; intentionally misplacing resources or in any way intentionally depriving other members of the University of the property or having access to the resources; infecting networks, programs, or other electronic media or systems with viruses or otherwise causing systems to malfunction or disruptions to University technology.
- Physical Abuse and Dangerous Activity, including actual physical abuse or threat of physical abuse to another person; damage to another person's property; causes another person to fear physical abuse or fear damage to his/her property; creating a condition which endangers or threatens the health, safety or well-being of other persons, or which could cause damage to property; possession, use or distribution of firearms, ammunition, explosives or other weapons on University property.
- Written or Oral Harassment - written or oral harassment includes the use of threatening or obscene language, or language which is otherwise abusive or discriminatory in the circumstances, by a student, directed to another student, a mentor, trustee or employee of the University.

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- Sexual Harassment - sexual harassment represents a form of abuse and/or intimidation and involves actions such as unwelcome sexual conduct; requests for sexual favors and other physical and expressive behavior of a sexual nature; written or oral abuse or threats of a sexual nature; displaying or distributing pornographic or derogatory pictures or materials; unwelcome physical contact such as touching, patting, pinching or punching; continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior; conduct that has the purpose or effect of unreasonably interfering with an individual's education or work performance or creating an intimidating or hostile environment. [Sexual harassment is a violation of Title IX of the Education Amendments of 1972 and other laws. See Policy Against Discrimination and Harassment for additional information.]
- Submission of Fraudulent Documents - such as transcripts, diplomas, test scores, references or applications that are forged, fraudulent, altered from the original, materially incomplete, obtained under false pretenses or otherwise deceptive (collectively referred to as fraudulent documents).
- Refusal to Provide Identification - refusal to provide identification upon request by an officer, employee or agent of the University acting on behalf of the University in the course of his/her duties.
- Disorderly, lewd or obscene conduct on University property, or at a University activity;
- Disorderly, lewd or obscene conduct in the use of an avatar, or in the use of digital media (audio, video uploads, streaming video, or photo content) in the online classroom.
- Deception of or attempt to deceive mentors, staff, or other students regarding one's personal identity within the online classroom, in testing, or in relation to any University activity or function.
- Cyber-bullying or any electronic communication that contains threatening or abusive language, to another student, mentor or staff member.
- Invading another person's privacy by intruding upon private communications or property.
- Unauthorized appropriation and/or use of another person's personal data or identity.
- Misrepresentation - materially misrepresenting information to an official University body or officer.
- Provide false or misleading information in the course of a nonacademic disciplinary investigation or hearing.
- Failing to appear as a witness during a nonacademic disciplinary hearing, when directed to appear by the University.
- Other acts or activities that violate nonacademic University policies.

Disciplinary Process

The Office of the Vice President for Enrollment Management and Learner Services (EMLS) is responsible for:

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- Investigating allegations of misconduct.
- Administering the disciplinary process.
- Maintaining a written record of all actions regarding student conduct violations.

A complaint involving a violation of the Nonacademic Code of Conduct must be submitted in writing to the Office of the Vice President for Enrollment Management and Learner Services. The University Registrar and Associate Vice President, acting for the Vice President, will review the matter to determine whether the allegations merit proceeding with formal charges, or should be addressed informally.

If, in the opinion of the University Registrar and Associate Vice President, the complaint should be pursued formally, the student will receive written notice of the charges and specifications, as well as information about a scheduled hearing. The Vice President for Enrollment Management and Learner Services may withdraw the charges any time prior to the hearing, if good cause exists to do so.

Student Rights and Responsibilities

The student:

- Must notify the University Registrar and Associate Vice President of the names of the student's advisor and any witnesses who will attend the hearing, at least three days before the hearing.
- Must submit a copy of any document that the student wishes to present into evidence, to the University Registrar and Associate Vice President, at least three days before the hearing.
- Will be notified of the charges against him/her, in writing, prior to the hearing.
- Will be informed of the evidence upon which a charge is based.
- Will have a reasonable length of time to prepare a response to any charges.
- Will receive a copy of an investigation report prior to any hearing.
- Will receive a written determination of the charges and notifications of any sanctions imposed, in a timely manner.
- Will be afforded confidentiality throughout the process.
- Will have the right to waive any of these rights.

Student Conduct Committee Hearing

All committee hearings will convene in Trenton, NJ. Students unable to travel to Trenton may attend the hearing telephonically, via conference call or video interface. A single audio recording of the hearing will be made by the University. Deliberations will not be recorded.

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- The student may have an advisor present at the hearing, however, the student is responsible for presenting his/her information and, therefore, the advisor is not permitted to speak or participate directly in the hearing.
- The student will be allowed to review the investigation report (a copy to be provided prior to the hearing), listen to the investigating staff deliver the report and suggest questions for the Committee Chair to ask.
- The student shall have the opportunity to present his/her version of what happened, submit supporting documentation and present witnesses.
- All records of the hearing will be kept in the custody of the University. Records or recordings are the property of the University and may not be reproduced without the specific authorization of the President of Thomas Edison State University.
- Hearings are closed to the public, and limited to the complainant, accused and advisor. Presentation of witnesses shall be subject to the Committee's approval.
- The Committee's determination shall be made on the preponderance of evidence standard, i.e. whether it is more likely than not that the accused student violated the code of conduct.
- All expenses incurred by the student will be borne by the student.

The Student Conduct Committee will review the report, listen to evidence and decide if a violation did or did not occur. If a violation is determined to have taken place, the committee will determine what disciplinary action, if any, to impose on the student. A written decision will be issued by the chair of the Student Conduct Committee to the Vice President of Enrollment Management and Learner Services. A copy of the decision will be sent to the student by certified and regular mail and serves as notice of the Committee's decision and any sanctions to be imposed. With the exception of dismissal, the Student Conduct Committee may impose, on its own authority, all sanctions listed in this policy.

Determinations and Standard of Proof

The Committee will use "preponderance of the evidence" as the standard of evidence to determine whether a violation of the Code of Student Conduct occurred. Preponderance of the evidence means that the committee must be convinced based on the information considered that the Respondent was more likely than not to have engaged in the conduct at issue in order to find the Respondent responsible for violating this Policy.

Sanctions

The following sanctions, alone or in any combination, may be imposed upon any student found to have violated our policy including violations of dating violence, domestic violence, sexual assault or stalking:

- Written Warning - A written reprimand for violation of a specific nature, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

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- Exclusion/Removal from University Activity/Event - A student given this sanction may be barred from attending University sponsored activity and events for a specified period of time, not to exceed 180 days. These restrictions may be extended to participation in online events sponsored by the University.
- Suspension -A student may be suspended from the University for a specified period of time, not to exceed one year. The student while suspended shall not participate in any University sponsored activity and will be barred from University premises. At the discretion of the Provost, a permanent transcript notation of the suspension may be made. Students suspended from the University are not entitled to refunds for tuition or fees associated with their interrupted enrollment.
- Dismissal from the University-Permanent separation of the student from the University. A permanent transcript notation is mandatory. Students dismissed from the University are not entitled to refunds for tuition or fees associated with their interrupted enrollment. As the most severe action of the institution, the Committee may recommend dismissal to the Vice President/Provost. Dismissal may only be imposed by the Vice President/Provost either pursuant to the Committee's recommendation or upon the authority of the Vice President/Provost. The Vice President/Provost will notify the student by certified and regular mail, if dismissal is imposed.
- Postponing or Withholding of a Degree. The University may withhold the award of a degree, otherwise earned, until completion of a disciplinary process set forth in any of its Codes of Conduct.
- Revocation of a Degree - An awarded degree may be revoked for fraud, misrepresentation or other violation of University standards.
- Interim Suspension - In extreme or emergency circumstances, any vice president of the University may immediately suspend a student from access to University premises, activities or electronic sites, pending a conduct hearing or disciplinary action. Such interim suspensions will be reported as soon as possible to all the members of the President's Council.

Appeal Process

The student shall have the opportunity to appeal any decision involving disciplinary action. Appeals of dismissals must be submitted directly to the Office of the President. All other appeals must be submitted in writing to the Vice President for Enrollment Management and Learner Services. All appeals must be filed within fifteen (15) business days after receipt of the disciplinary action. The appeal must specify the grounds on which it is being made. Allowable grounds for appeals are limited to the following:

- Evidence of procedural irregularity that affected the fairness of the hearing
- Evidence of significant mitigating circumstances or facts that could not have been presented to the investigating staff member or at the hearing
- Evidence of undue severity of sanction
- Evidence of bias on the part of the investigating staff member

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- Evidence that the decision of the Student Conduct Committee is arbitrary, capricious or unreasonable, and that the charges are not supported by the evidence

A written decision will be issued and the student will receive a copy of the appeal decision by certified and regular mail. The appeal decision may require that the previously imposed sanctions be:

- Affirmed
- Suspended, set-aside or rejected
- Modified or adjusted as warranted by circumstance
- Remand for a new hearing
- Upon notification, administrative offices throughout the University will take all requisite actions to record and implement the final decision of the University.

*In addition to the usual disciplinary procedures, the student bringing the complaint of sexual misconduct is permitted to attend the disciplinary hearing, with the same rights to participate as the accused, including having an advisor present. The student bringing a complaint of sexual misconduct shall also have the right to appeal the decision and/or sanction.

Victim Notification

The Family Educational Rights and Privacy Act of 1974 (FERPA) permits the University to disclose the outcome of conduct proceedings to the person filing the complaint, if the disclosure is to a victim of an alleged perpetrator of a crime of violence, including sexual misconduct.

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

Written Notification

The Office of the Title IX Coordinator, or his or her designee, will give the complainant and respondent, respectively, a written explanation of their rights and options, and any available interim measures and accommodations, as soon as possible after an incident is reported.

The Office will also ensure that both the complainant and respondent are updated throughout the investigative process, including with timely notice of meetings where either or both the complainant and the respondent may be present. More specifically, the complainant and respondent will simultaneously be given the following written notices:

1. Conclusion of the Investigation. Notice of an opportunity to review the investigative report and any other information that will be used in the disciplinary proceedings, consistent with federal law governing the privacy of student information.

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2. Administrative Resolution. Notice of whether the respondent accepts responsibility for violating the Policy. Notice of the date and time of any hearing and name(s) of the hearing officer. Notice of the hearing officer's finding of "responsible" or "not responsible"; along with the rationale for the outcome, as well as notice of the sanctions imposed and the reasons for the sanctions. This notice will include an explanation of the University's appeals process.

3. Appeals Process. Notice of whether an appeal has been filed. Notice of whether the responsibility determination or sanctions have been modified. Notice when the responsibility determination and final sanctions.

Sexual Assault Education and Prevention Programs

The University engages in full educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all onsite students and employees annually. The certified Title IX Coordinator delivers the student-focused program in a traditional classroom setting to on-site students annually. A web based training class is required of employees annually. New employees are enrolled during the new employee onboarding process. New students receive the training during the first term.

Our Program:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Thomas Edison State University also encourages Bystander Intervention.

What is an Active Bystander?

- Every day we witness many things (both good and not so good). This makes us all **bystanders**.
- We also make decisions about how to respond to what we see. Our choices can turn us into **active bystanders**.

Why is it important to act?

Taking action early – before a situation escalates – can be effective and safer for everyone involved.

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APPENDIX A

Report Reported Crimes

The University is pleased to report that for the fourth consecutive year, there are no reported crimes on campus. The following is a summary of reported crimes from 2013 through 2016.

	2013	2014	2015	2016
Homicide	0	0	0	0
Sexual Offenses	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

There were no unfounded crimes in 2016, 2015, 2014 or 2013.

Thomas Edison State University did not receive crime statistics from the local police departments. The University makes a good faith effort by contacting the Trenton Police Department and the New Jersey State Police in writing for local crime statistics on an annual basis.

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REPORTED CRIMINAL OFFENSES			
Offense	Geographic Location		
	Year	On-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Manslaughter by Negligence	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Rape	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Fondling	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Incest	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Statutory Rape	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Robbery	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Aggravated Assault	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Burglary	2013	0	0
	2014	0	0
	2015	0	0

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	2016	0	0
REPORTED CRIMINAL OFFENSES cont'd.			
Offense	Year	On-Campus Property	Public Property
Motor Vehicle Theft	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Arson	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0

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REPORTED HATE CRIMES			
	Geographic Locations		
Offense	Year	On-Campus Property	Public Property
Race	2013	0	0
	2014	0	0
	2015	0	0
Religion	2013	0	0
	2014	0	0
	2015	0	0
Sexual Orientation	2013	0	0
	2014	0	0
	2015	0	0
Gender	2013	0	0
	2014	0	0
	2015	0	0
Gender Identity	2013	0	0
	2014	0	0
	2015	0	0
Ethnicity	2013	0	0
	2014	0	0
	2015	0	0
National Origin	2013	0	0
	2014	0	0
	2015	0	0
Disability	2013	0	0
	2014	0	0
	2015	0	0
Murder/Non-negligent Manslaughter	2013	0	0
	2014	0	0
	2015	0	0

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	2016	0	0
REPORTED HATES CRIMES cont'd.			
Offense	Year	On-Campus Property	Public Property
Sexual Assault	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Robbery	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0

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REPORTED HATES CRIMES cont'd.			
Offense	Year	On-Campus Property	Public Property
Aggravated Assault	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Burglary	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Motor Vehicle Theft	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Arson	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Larceny - Theft	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Simple Assault	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Intimidation	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Destruction/Damage/Vandalism of Property	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0

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REPORTED VAWA OFFENSES			
		Geographic Location	
Offense	Year	On-Campus Property	Public Property
Domestic Violence	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Dating Violence	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Stalking	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0

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ARRESTS AND DISCIPLINARY REFERRALS			
		Geographic Location	
Offense	Year	On-Campus Property	Public Property
Arrests: Weapons: Carrying, Possessing, Etc.	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Arrests: Drug Abuse Violations	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Disciplinary Referrals: Drug Abuse Violations	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Arrests: Liquor Law Violations	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0
Disciplinary Referrals: Liquor Law Violations	2013	0	0
	2014	0	0
	2015	0	0
	2016	0	0