



**2021  
NEW JERSEY INSTITUTE OF TECHNOLOGY  
ANNUAL CAMPUS SECURITY REPORT  
and  
ANNUAL FIRE SAFETY REPORT**

Joseph Marswillo  
*Chief of Police*

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## **Introduction**

The following is the annual Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Report and the Annual Fire Safety Report for 2021 of New Jersey Institute of Technology (NJIT) Department of Public Safety.

As you will see in this report, NJIT has had little serious crime, but such incidents do occur and all crime is serious to the victim and community. Students, faculty, and staff share in the responsibility of protecting themselves and their possessions. This is best accomplished by being aware of one's surrounding and through the prompt reporting of any suspicious activity to the Department of Public Safety. This report for 2021 includes mandated crime and fire statistics for the 2018, 2019, and 2020 calendar years. Included in the statistics are certain reported crimes that occurred on campus, on non-campus property, and on adjacent public property. Incidents occurring within residence halls are also listed and are a subcategory to the on-campus reportable crimes.

A copy of this report may be obtained online at <http://www.njit.edu/publicsafety> and in printed form at the Department of Public Safety located at 154 Summit Street, Newark, NJ.

## **An Overview of the Department of Public Safety**

The Department of Public Safety is charged with creating and maintaining a safe and secure environment for NJIT's students, faculty, and staff. The safety of the members of the NJIT community is of paramount importance to us. The Department of Public Safety accomplishes this through the around-the-clock efforts of dedicated law enforcement professionals who create a highly visible police and public safety presence and also through collaborating with all of the key stakeholders throughout the university. The Department of Public Safety keeps the campus and surrounding area safe through information sharing with the Newark Police Department and other university police departments in the area. Additionally, the Department of Public Safety monitors the Newark Police Department's radio network to be alert for any crimes that occur near campus. All of the members of the department remain current in professional knowledge, skills, and abilities through extensive ongoing professional development. The department's officers remain accessible to all through our community policing efforts which include both formal and informal contacts with many groups and individuals.

The Department of Public Safety is located at 154 Summit Street and provides police protection to the campus and adjacent streets 24 hours a day/ 365 days a year. The 82 member department includes a Chief of Police, Deputy Chief of Police, 3 Lieutenants, 10 Sergeants, 24 Police Officers, 38 Security Officers, and administrative support staff. All NJIT Police Officers have graduated from an accredited police academy and are certified as police officers by the New Jersey Police Training Commission. They possess full police powers including the power of arrest. A variety of patrol modalities are employed including the use of marked and unmarked police vehicles, marked smart cars, bicycles, and foot patrol. The men and women of the Department of Public Safety serve and

protect the campus community through proactive patrol and by enforcing state laws and city ordinances, as well as university rules and regulations. The department may be reached by phone at 973-596-3111 to report crime information or by dialing 9-1-1 for emergencies and 973-596-3120 for other police matters. The department's web site is found at <http://www.njit.edu/publicsafety>.

### **Campus Police Authority and Jurisdiction**

Pursuant to statute (N.J.S.A. 18A:6-4.1 et seq.), NJIT Police Officers have complete police authority to apprehend and arrest anyone involved in illegal acts on-campus and in reasonably contiguous areas surrounding the campus. If minor offenses involving university rules and regulations are committed by a university student, the campus police may also refer the individual to Dean of Students for possible university sanctions. The prosecution of crimes, disorderly person's offenses, motor vehicle offenses and city ordinance violations are through either the Newark Municipal Court or the Superior Court of New Jersey – Essex County. NJIT Police work closely with local, state, and federal police agencies and have direct communication with the Newark Police, Rutgers University-Newark Police, Essex County College Police, and NJ Transit Police Departments. There is no Memorandum of Understanding with the Newark Police Department concerning investigation of crimes, however NJIT police officers work together with the investigators of Newark Police Department and other law enforcement agencies when incidents arise that require joint investigative efforts or resources. Additionally, there is a Memorandum of Understanding with the Newark Police Department concerning the sharing of crime data.

NJIT police department maintains a National Law Enforcement Telecommunications Network (NLETS) terminal, through which, police personnel can access the National Crime Information Computer system as well as the various State Criminal and judicial databases. These computer databases are used for accessing criminal history data, nationwide police records, driver/vehicle identification information, as well as other local, state, and federal law enforcement information. Additionally, police officers in patrol cars can access NCIC databases via Mobile Data Computers.

### **Procedures for students and others to report criminal activity or other emergencies occurring on campus**

It is imperative that all criminal and suspicious activity be reported promptly to the Department of Public Safety. Working together, the university community and police can reduce crime on and around campus. The department promptly responds to all reports of criminal activities and emergencies occurring on campus. Students are instructed on emergency reporting procedures at freshmen orientation, through crime prevention talks given to various campus groups and associations, the Department of Public Safety web site, the Safe and Sound newsletter published and distributed annually to all students, staff, and faculty and the student newspaper, The Vector. *NJIT will comply with all student requests for assistance in notifying appropriate authorities.*

Crimes and emergencies may be reported to the Department of Public Safety in a number of ways:

- From hard wired campus telephones found in all offices, dial ext. 3111 to report crime information or 9-1-1 for emergency.
- Via emergency “Blue Light” telephones which are located throughout the 45-acre campus, parking deck/lots and at fraternity and sorority houses. These Blue Light phones automatically connect to the NJIT police dispatcher as soon as the handset is picked up.
- From a cell phone or public phone, dial: 973-596-3111 to report crime information or 9-1-1 for emergency.
- In person to any NJIT Police Officer or Public Safety Officer.

When making an emergency call, you should provide the location of the incident, the type of assistance needed (police, ambulance, or fire) and your name.

### **Timely Warnings**

#### **Making the Decision to Issue a Timely Warning**

If a serious crime occurs on campus, in non-campus buildings or on non-campus property that NJIT owns or controls, or on public property within or immediately adjacent to campus, that in the judgment of police officials constitutes a serious or continuing threat to members of the NJIT community, a “timely warning” will be issued, via campus wide notification, “M3” blast email, “Send Word Now”, or other electronic communication device.

To assist the Department of Public Safety in making timely warnings, everyone is encouraged to immediately report crimes and other serious incidents to the Department of Public Safety via any of the above methods.

#### **Determining the Content of a Timely Warning**

The Chief of Police and/or Office of Strategic Communication, or their designees, determine the content of timely warning notices. Timely warning notices will include information concerning the nature, location and time of the crime along with the description of any suspects, and what police department(s) is/are conducting the investigation. The decision to issue a timely warning shall be decided on a case-by-case basis in compliance with the Clery Act and will consider all available facts.

#### **Issuing a Timely Warning**

The Chief of Police or his designee issues timely warning notices via university email (M3 Blast) and/or “Send Word Now” to every active student, faculty and staff member.

## **Emergency Response, Evacuation, and Immediate Notifications**

### Notifications to the Campus Community

The NJIT Department of Public Safety will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the NJIT campus. All emergencies should be immediately reported to NJIT Department of Public Safety via any of the following methods: 3111 to report crime information or by calling 9-1-1 for emergency from any “campus” telephone; 973-596-3111 from any telephone other than a “campus” telephone; or from any “blue light” telephone located across the campus.

Upon being notified of an emergency situation on campus, the NJIT Department of Public Safety will immediately dispatch Police Officers to the reported emergency. Confirmation will be accomplished by a Police Officer verifying that a legitimate emergency or dangerous situation exists on campus. Upon confirmation, the police officer will notify the duty sergeant or ranking police supervisor on duty. Confirmation does not necessarily mean that all of the pertinent details are known or even available.

The duty sergeant or ranking police supervisor on duty will, upon conferring with the Chief of Police and/or the Department of Strategic Communications, without delay and taking into account the safety of the NJIT community, determine the content of the notification and initiate the Campus Wide Notification System. (Send Word Now) The content of the notification will be constructed in a manner to give out pertinent information regarding a confirmed threat to campus safety, and if necessary, the steps students, faculty, and staff should take to help ensure their own safety from that particular threat as permitted by “Clery Rules”. The only reason NJIT will not immediately issue a notification for an emergency is if in the professional judgment of police officials that the notification will compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

Emergency Notifications will be made via the Campus Wide Notification System (Send Word Now). At times, this system may be supplemented through use of bullhorns and loudspeakers. To accomplish a building evacuation, the building fire alarm system may be utilized. Information in the emergency notification will be updated and/or amended as necessary to reflect the status of the incident in order to ensure the safety of the campus community.

The Campus Wide Notification System allows NJIT to communicate important information on an expedited basis with students and employees via text message, phone, and email. Participation in the Campus Wide Notification System is voluntary and NJIT students, faculty, and staff are strongly encouraged to register via <http://www.njit.edu/campusnotifications/index.php>. (The University’s Emergency and Continuity Operations Plan is available via Highlander Pipeline- Resources)

### Evacuation

The decision to evacuate a university building will be made by a police supervisor.

When evacuation is determined to be necessary, responding officers will facilitate an orderly evacuation of the affected building(s) and provide assistance to students, faculty and staff.

Each building has predetermined evacuation plans which should be followed if occupants are ordered to evacuate.



### Disseminating information to the larger community

When appropriate, NJIT Police will notify the Newark Police, Rutgers-Newark Police, Essex County College Police, NJ Transit Police, Newark Office of Emergency Management and/or the Essex County Office of Emergency Management. It will be the responsibility of the immediate responding Supervisor to make any and all necessary notifications.

NJIT Office of Strategic Communications will notify regional media outlets.

### Critique and Review

All critical incident responses shall be thoroughly documented. The response and follow up action for each critical incident shall be reviewed to improve future performance or make any necessary modifications.

### Testing of the Emergency Response and Evacuation Procedures

Regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities shall be conducted on an annual basis (at least one test per calendar year). Fire drills for the residence halls are conducted at the beginning of the Fall and Spring semesters and documented accordingly. Such testing may be conducted on a test group and the test may be announced or unannounced. The Department of Public Safety will document each exercise including a description of the exercise, along with the date, time, and whether it was announced or unannounced.

In conjunction with the annual test, NJIT will publicize its emergency response and evacuation procedures via blast email to all current students, faculty and staff.

### **Daily Crime and Fire Log**

The Department of Public Safety maintains a daily log of all criminal incidents and alleged criminal incidents that are reported to the NJIT Police Department. The log lists the nature of the crime, the date, time, and general location of the crime and the disposition of the complaint if known. Additionally, the department maintains a log of any fire that occurs in on-campus student housing. Entries are made into the Crime/Fire Log within two business days of the reporting of information to the department. On occasion, information concerning a crime may be withheld if release of the information poses a continuing danger to the victim or there is a need to keep the investigation confidential because the release of the information will likely result in the perpetrator leaving the area or destruction of evidence. The Daily Crime/Fire Log may be reviewed 24 hours a day at the Department of Public Safety, located on the first floor of the parking deck on Summit Street for the most recent 60-day period. Data older than 60 days will be made available within two business days of a request for public inspection. All records required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act will be retained for a period of three years following the publication of the last annual campus security report to which they apply.

### **Report Preparation for the Annual Disclosure of Crime Statistics**

The NJIT Department of Public Safety is responsible for gathering statistics, identifying reportable crimes, and reporting/publishing statistics to U.S. Department of Education, the New Jersey State Police, the FBI, and to the public. Statistics are reported in different formats and categories depending upon legal requirements. FBI reports include different crimes than does the Clery Act, while the Clery Act requires statistics to be reported from a wider geographic area than the FBI (e.g., adjacent public property and off-

campus student organization properties), and also requires reports of student disciplinary referrals in addition to arrests for drug, alcohol, and weapons offenses. Further, the Clery Act mandates the collection of information regarding crimes from non-law enforcement “campus security authorities” having “significant responsibility for students or campus activities,” while FBI statistics include only crimes reported to the police.

The 2021 Annual Campus Security Report and Annual Fire Safety Report has been compiled from statistics based upon crime reports received by the NJIT Department of Public Safety from crime statistics received from outside police agencies responsible for areas immediately adjacent to campus and from incident reports received in response to written surveys distributed to non-police “Campus Security Authorities,” which include those university officials having significant responsibility for students or campus activities to ensure that all reportable events are included in our statistics.

Non-police Campus Security Authorities receiving reports of crimes forward the information to the Department of Public Safety. Relevant crime statistics are collected from the following Police Departments: Newark Police, Rutgers University Police, Essex County College Police, and NJ Transit Police. Methods are in place to avoid duplicate, inaccurate statistical reporting, to ensure that the incidents listed are consistent with FBI Uniform Crime Reporting classifications.

Licensed counselors and pastoral counselors are legally exempt from Clery crime reporting requirements. NJIT encourages counselors, if and when they deem appropriate, to inform those they counsel of procedures for reporting crimes to the Department of Public Safety for inclusion in the Campus Security Report.

The Department of Public Safety reports arrests for liquor law, drug, and weapons violations occurring on campus, in Residence Life Housing, at non-campus buildings, and on public property adjacent to campus. Residence Life and Student Affairs separately track disciplinary referrals for drug, liquor law, and weapons violations. Residence Life and Student Affairs consult with each other and NJIT police to avoid double reporting of the same incident; a disciplinary referral is reported if it is not otherwise reported as an arrest or crime.

# University Crime Statistics 2018, 2019, 2020

Offense Type (Including Attempts)	NJIT Campus Areas (Including res-life areas)			Resident Life Areas Only			Non-Campus Building or Property			Public Property			Total			Unfounded		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder & Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	3	0	0	2	0	1	1	0	0	0	0	1	3	0	0	1	0
Fondling	0	2	0	0	1	0	0	0	0	0	0	0	0	2	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0	0	1	0	0	2	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0	0	0	1	0	1	1	0	0	0
Burglary	5	4	1	0	1	0	0	0	1	0	0	0	5	4	2	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0	3	6	1	3	7	1	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Offense Type	NJIT Campus Areas (Including res-life areas)			Resident Life Areas Only			Non-Campus Building or Property			Public Property			Total			Unfounded		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Liquor Law Violations</b>																		
Arrests	0	0	0	0	0	0	0	0	0	75	21	2	75	21	2	0	0	0
Referral	6	8	2	6	8	2	0	0	0	0	0	0	6	8	2	0	0	0
<b>Drug Law Violations</b>																		
Arrest	6	1	4	1	1	3	0	0	0	10	6	8	16	7	12	0	0	0
Referral	4	4	0	4	4	0	0	0	0	0	0	0	4	4	0	0	0	0
<b>Weapon Law Violations</b>																		
Arrest	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0
Referral	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Offense Type	NJIT Campus Areas (Including res-life areas)			Resident Life Areas Only			Non-Campus Building or Property			Public Property			Total			Unfounded		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Domestic Violence	1	2	3	0	1	1	1	0	0	0	0	0	2	2	3	0	1	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	2	3	0	0	1	0	0	0	0	0	0	0	2	4	0	0	0	0

2020: No reportable hate / bias incidents on campus

2019: There was one (1) reportable hate / bias crime on campus, Terroristic Threat for Race.

2018: There was one (1) reportable bias crime on campus, Terroristic Threat to Religion.

This chart includes offenses that were reported to the NJIT Department of Public Safety, law enforcement agencies other than the NJIT Department of Public Safety, and to any official of NJIT who has significant responsibilities for student and campus activities. Those offenses are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Non-Campus Building or Property includes: fraternities and sororities that are recognized by the university. Public Property includes: thoroughfares, streets and sidewalks within the campus or immediately adjacent to and accessible from the campus.

## **Big Bear Solar Observatory Crime Statistics for 2018, 2019, 2020**

In addition to the main campus in Newark, NJ, NJIT operates Big Bear Solar Observatory located at 40386 North Shore Lane, Big Bear City, CA. There were no crimes reported at Big Bear Solar Observatory for the years 2018, 2019 or 2020. The reporting entity for Big Bear Solar Observatory is the San Bernardino County Sheriff's Department, located at 477 Summit Boulevard, Big Bear Lake, California, 92315.

## **Mack-Cali Realty Corp.**

In addition to the main campus in Newark, NJIT Ying Wu College Engineering rented space on the 36<sup>th</sup> floor of 101 Hudson Street, Jersey City, NJ 07302 and took occupancy in September 2019. There were no crimes reported. The reporting entity is through Atalian Global Services located on site.

## **Campus Officials who Crimes May be Reported to**

Although we encourage the prompt reporting of campus criminal activity and/or fire directly to the NJIT Department of Public Safety, in some instances members of the campus community may choose to file a report with one of the other campus security authorities and/or affiliates and employees within their respective departments. These employees shall then refer any such reports immediately to their respective department supervisors. Crime statistics are gathered from New Jersey Institute of Technology Campus Security Authorities for reporting purposes at New Jersey Institute of Technology, Campus Security Authorities have been designated as:

- 1) Department of Public Safety Officers
- 2) Residence Life Director
- 3) Dean of Students and Campus Life Office Personnel
- 4) Director of the Office of Graduate Studies
- 5) Director of Athletics
- 6) Executive Director of Student Life
- 7) Director of Fraternity and Sorority Life
- 8) Title IX Coordinator and Deputy Coordinators
- 9) Director of Campus Center
- 10) Office of Global Initiatives
- 11) St. Michael's Primary Care Center
- 12) Security Manager, Atalian Global Services, Jersey City

Any reportable crime made to any of the foregoing Campus Security Authorities as stated above is to be transmitted to the NJIT Department of Public Safety as soon as possible via campus e-mail. Professional and Pastoral Counselors are encouraged if and when they deem it appropriate, to inform the persons that they are counseling of any procedures to report crimes on a voluntary basis for inclusion in the annual disclosure of crime statistics.

## **Confidential Reporting Procedures**

The university does not have procedures for voluntary confidential reporting of crime

statistics as all reports of criminal activity will be investigated. Victims of sexual assault may request that a report remain confidential. The University will comply to the extent that community safety concerns are addressed.

### **Security and Access to Campus Facilities**

Residence Halls are secured 24 hours a day with access attained via swipe card accessible for only those students who are residents of university housing. Additionally, each residence hall has a door monitor assigned to the entrance of each of the residence halls around-the-clock. During business hours, university buildings, excluding residence halls, are open to students, employees, contractors, guests, and invitees. During non-business hours, access to all university facilities is by key or university issued swipe card.

The NJIT Security Systems Department assists the Department of Public Safety in its mission to effectively protect NJIT faculty, staff, students, and property. Building and office alarms instantaneously report intruders or breaches to secure locations. Card access readers, located throughout the campus, allow authorized individuals to enter and exit buildings after hours. For those authorized students who require access to a building or room for which their swipe card does not allow entry to, these students are to report to the Department of Public Safety, who upon verification, will provide escort and entry to the location. An extensive closed-circuit television system allows police personnel to monitor campus activity through video cameras placed throughout the campus. Intercoms and “Blue Light” emergency phones allow individuals to communicate directly with the Department of Public Safety from locations across the campus and along “fraternity row.” The university also employs an Identification Card system that displays the owner’s picture which allows police personnel to identify students, faculty, and staff. The Security Systems Department collects and stores vehicle information for registered vehicles utilizing on-campus parking. Access to NJIT parking lots is limited to students, faculty, staff, and authorized guests who have arranged for university parking. Campus lighting is routinely surveyed by the Department of Public Safety to ensure maintenance of all lamps and care is taken to keep walkways open and free from encroaching shrubs and trees. Any maintenance or safety issues or concerns are immediately reported to campus facilities for repair.

### **Security Practices and Crime Prevention Programs**

The NJIT Police Department is dedicated to promoting and maintaining safety awareness and community outreach programs with students and employees. In addition to patrol services, the department has a Crime Prevention Unit and a Community Policing Unit dedicated to developing and coordinating a variety of activities to meet the safety needs of the campus community. Safety presentations on all aspects of personal safety, Date Rape and Party Drugs, Alcohol and Party Awareness, Domestic Violence, and Gang Awareness are conducted by the NJIT Police Department. In addition, the Crime Prevention Unit conducts home security surveys for those who request the service. These programs, as well as various other programs are offered on a regular basis, or by request, for all campus members and at student orientations. Additional programs are conducted during the spring and fall semesters for incoming International Students, Graduate Students, Residence Hall Desk Attendant Training, and Family Orientations. There are also programs that have been designed or tailored to meet criteria for mandated NCAA

standards and presented to university athletes. Crime prevention flyers and safety related brochures to inform and educate the university community, such as the department's annual "Safe and Sound" publication are distributed concerning campus security and personal safety. In order to facilitate the various safety programs and initiatives, members of the department's Community Policing Unit are specifically assigned to each Residence Halls, the Greek Organizations, the Student Senate, and the Commuter Assistance and Resource Center. The Community Policing Unit exists to develop relationships with students, open lines of communication, and to act as a conduit through which there is a healthy exchange of information between the Police Department and students, all in order to promote campus security and personal safety.

NJIT encourages students and employees to accept responsibility for their own safety by taking proactive steps to reduce the likelihood of crimes on campus or to themselves. Crime prevention literature is available in the Department of Public Safety lobby, on the Public Safety web page and throughout the campus.

Examples of the programs and workshops available through the Crime Prevention Unit and other University Authorities include:

- **Public Safety and Security** - An overview of Department of Public Safety followed by general safety tips and advice about the areas surrounding NJIT. Specific questions and answers will be encouraged through an open casual forum, whereby the participants may inquire about a broad range of safety concerns or issues.
- **Date Rape and Party Drugs** - Presentation on the dangers of drug abuse and the use of certain drugs as they pertain to "Date Rape." The program includes moral, ethical, social, and legal responsibilities and the impact "Poor Decision Making" will have on the individual and others. Concrete, real world techniques are given as to how to avoid becoming a victim of this type of assault.
- **Alcohol and Party Awareness** - Presentation on the use of alcohol and the responsibilities of a party host along with the laws concerning alcohol. The presentation will discuss the effects of alcohol and the responsibilities the party host has to those that decide to drink or not drink at a party. Included are estimation charts on how many drinks one may consume to be under the legal limit of .08 and the use of "beer goggles" to demonstrate the physical effects of being intoxicated.
- **Sexual Assault Awareness** – Overview of sexual assault including, definitions statistics, signs to be aware and actions that can be taken.
- **Stalking** – An overview including definitions, methods of stalking used by perpetrators, steps and actions to take if you are a victim of stalking and some possible remedies.
- **Harassment** – An overview for clarification of what behavior constitutes harassment. This will include definitions as found in the New Jersey Criminal Code and examples that illustrate harassment and instances that do not meet the

criteria.

- **A.L.I.C.E./What If**– An overview and description of what steps and actions to take in the event of a critical incident / active threat / hostile intruder occurring on or around campus. A critical incident is defined as any incident that disrupts normal university operations for a period time. (e.g. – Active Shooter, Bomb Threat, Fire)
- **Domestic Violence Information and Awareness** – This presentation is designed to: develop an understanding of the Domestic Violence Laws; how to avoid or remove oneself from an abusive relationship; the legal remedies available under the New Jersey Domestic Violence Act; the offenses that constitute domestic violence; restraining orders and victims’ rights; and what to do if you or someone you know is in an abusive relationship.
- **Gang Awareness** - What is a Gang? Who are they? A program designed to provide a general understanding of gangs, their colors and signs, and their existence in society as it pertains to safety in the University setting. Included will be information about area gangs.
- **New Faculty Orientation** – Teaches crime prevention and general safety awareness and practices.
- **Crime Prevention Awareness Program** – Presentation providing safety practices based on real incidents that have occurred on and around the NJIT Campus.
- **New Student Orientation**- Includes mandatory A.L.I.C.E. Training.
- **Security CPTED Assessments** – Evaluate residential housing and campus infrastructure.
- **Financial Aid Tutorial/HEA Eligibility**-  
<http://www.finaid.uscb.edu/fafsasimplification/>

### **Policy Statement Addressing Criminal Activity Off-Campus**

NJIT does not specifically track or monitor the activities of other law enforcement agencies concerning students for offenses that take place off-campus other than by collecting the required statistics on crimes that occur at specified off-campus locations as required by the Clery Act. However, when information concerning NJIT students is received from other law enforcement agencies it is forwarded to the Dean of Students, and when appropriate the Title IX Coordinator, who determine if there is sufficient information as to whether the alleged student offender should be the subject of a separate campus disciplinary investigation

## **Missing Student Notification Procedures**

If a student is suspected to be missing, it is important that the person making the report be immediately referred to Department of Public Safety so an initial investigation may be started. There is NO minimal period that the person must be missing prior to reporting the person missing. Due to the serious nature of this type of incident, any missing person report must be made to only the Department of Public Safety. Once a student is determined to be missing, the Department of Public Safety must notify the Chief of Police and the Dean of Students. Additionally, the Newark Police Department shall be notified of the missing student within 24 hours of the determination that the student is missing.

For missing *juvenile* students: If the missing person is an NJIT student and is a juvenile, and the complainant/reporting party was not the parent or guardian of the student, NJIT PD will coordinate notification of the missing juvenile student's custodial parent/legal guardian, in addition to notifying the contact person designated by the student, through the Dean of Students and Campus Life Office. This notification will be made as soon as practicable as and not later than 24 hours after the time that the student is determined to be missing.

For missing Resident Life adult students: If the missing person is a NJIT student who is at least 18 years old and resides in a NJIT residential facility, NJIT PD will coordinate with the office of Resident Life to ensure prompt notification of the contact person identified by the missing student in NJIT records to be the person they want to have notified if they are determined to be a missing person. This notification will be made as soon as possible and not later than 24 hours after the time that the student was determined to be missing.

Note: The Residence Life office has ensured that all Residence Life students have had the option to list a person to contact if they are reported missing. Any such emergency contact information will be registered confidentially and be accessible to authorized campus officials and may only be disclosed to law enforcement personnel in the furtherance of a missing person investigation.

If the missing person is an NJIT non-resident student who is at least 18 years old and does not live in an NJIT residential facility, the institution may notify the student's parent and their designated emergency contact person, if one is designated. Any such notification will be coordinated with the Dean of Students Office.

## **Alcohol Policy – Residence Halls**

The following regulations apply to the presence of alcohol or drugs in the residence halls. Policies for residence life can be found at: [Residence Hall Policies](#)

- A. ALCOHOL:** Because the majority of on campus students are under 21 years old, it is important that all students understand the rules and policies of the University and New Jersey state law regarding alcoholic beverages and the way in which residence hall staff and Public Safety will enforce these rules and policies. Violation of the below policies will result in a referral to the Residence Life Office.



**a. Possession**

- i.** Persons who are 21 years of age or older may possess and consume alcoholic beverages, but only in the individual rooms of students 21 years of age or older.
- ii.** Consumption or distribution of alcoholic beverages is not permitted in any location other than in the individual room of students 21 years of age or older.
- iii.** The possession of containers that previously contained alcohol is not permitted by individuals less than 21 years of age. This includes bottles filled with sand, highlighted water, etc.
- iv.** The collection of monies prior to or during any function in campus housing where alcoholic beverages are served is not permitted.
- v.** Any student observed bringing alcohol into a campus residence will be confronted by a staff member to determine if the student is of legal age to possess alcohol.
- vi.** If the student is 21 years of age or older, he/she is reminded that distribution of alcoholic beverages to minors and intoxicated persons is a policy violation.
- vii.** If the student is under 21 years of age, the alcoholic beverages will be poured out by the student.

**b. Underage:**

- i.** If a student under 21 years of age is found in possession of alcoholic beverages whether the container is opened/unsealed or closed/sealed, the student will pour out the remaining alcoholic beverages.
- ii.** If students under 21 years of age are in a room where open/unsealed containers of alcohol are present, the minors will be considered to have been provided with, and in possession of alcohol, and appropriate charges will be filed for everyone involved. In a roommate/suitemate situation when no one else is present and where one student is under 21 and the other is 21 or older the presence of alcohol is permitted.
- iii.** Presumption of consumption if alcohol is present and student is under 21.

**c. Common Areas:**

- i.** Students are not permitted to be intoxicated in public areas. The symptoms of alcohol intoxication include but, are not limited to, being disruptive, slurring words, stumbling, vomiting or being unconscious.

- ii. If a student is 21 years of age or older, he/she may transport alcoholic beverages to his/her room through common areas as long as it is in the original closed container.
- iii. No alcohol may be stored in the foyer area of rooms in Cypress and Laurel Halls.

**d. General Guidelines:**

- i. Residents will be held responsible for activities that occur in their rooms, and will be referred to the Residence Life Office, if guests are in violation of alcohol policies.
- ii. In enforcing alcohol policies, residence life staff is required to check student's ages. It is the student's obligation, when asked, to provide proof that he/she is of legal age to possess alcoholic beverages.
- iii. A student may transport alcoholic beverages to his/her room through common areas as long as it is in its original, closed container. It will be presumed that any container other than the original, closed container connotes the individual has been or will be consuming the beverage in other than an individual room. It is permitted for persons who are 21 years of age or older to possess and consume alcoholic beverages, but only in the individual residents' rooms of students 21 years of age or older.
- iv. Kegs containing alcoholic beverages and beer balls are not permitted in or around campus residences.
- v. If a student under 21 years of age is found in possession of alcoholic beverages, the student will pour out the remaining alcoholic beverages (open or closed).
- vi. If students under the age of 21 years of age are in a room where open containers of alcohol are present in the room, the minors will be deemed to have been provided with, and in possession of alcohol, and appropriate charges will be filed for everyone involved. This does not apply to a roommate/suitemate where one student is under 21 and the other is 21 or older and the roommates/suitemates are the only persons in the room.
- vii. Parents/guardians will be notified by mail if a student is underage and is not emancipated when found responsible for a violation of the alcohol policy. When a student violates an alcohol policy he/she may be referred for educational sessions and/or an alcohol assessment.
- viii. Any party or gathering at which the rules and policies regarding alcoholic beverages have been violated will be terminated and all alcohol will be poured out or confiscated. Those students in violation will be referred to the Residence Life Office.

- ix. It is the responsibility of the students living on campus to maintain the spirit and letter of the above policies. It is the responsibility of the residence life staff to assist students in this regard and to deal with alleged violations when they occur.
- x. Students who are intoxicated in a public area may be referred for public drunkenness. This includes being disruptive, stumbling, unconscious, vomiting and/or slurring words.
- xi. Failure to comply with the direction of or to present identification to University officials acting in the performance of their duties is a violation of the Professional Code of Conduct.
- xii. Supplying false information, such as name, age, etc., to University officials who are acting in the performance of their duties is a violation of the Professional Code of Conduct.
- xiii. Alcohol policies for the public areas at Greek Village are outlined: [Greek Life Policies](#) or <http://www.fipg.org/>
- xiv. The Office of Public Safety may be involved to issue warnings, arrest (if permitted by current NJ Law) transportation to a hospital, for support, etc. in any of the above situations.

### **Alcohol Policy – On and Off Campus Events**

All non-NJIT groups, faculty, and administrative groups must have written permission to serve or sell alcoholic beverages anywhere on the NJIT campus.

Notification and approval is vetted by Conference Services via the Office of Strategic Communication.

The applicant must agree in writing to be personally responsible for supervising the implementation of alcoholic beverage laws and university regulations, including those concerning proof of age and service to inebriated persons. The applicant must also agree to be present during the entire event.

Only persons of legal drinking age will be served at campus events where alcoholic beverages are served or sold. Proof of age is required at each such event to ensure compliance with state laws.

No alcohol may be served during the last half-hour of a student event lasting more than three hours. Non-alcoholic beverages and food must also be available at all events, at which alcohol is served or sold.

The state of New Jersey defines the term sale to include any kind of charge, donation, exchange, etc., for any part of the event.

Student Events: beer and wine are the only alcoholic beverages permissible for sale, and the Pub must be the seller. The Pub's liquor liability insurance can be extended to cover student events only if Pub employees are used. Without liability coverage provided by the Pub's insurance, others could be liable for injury or damages as a consequence of consumption of alcohol at student events.

Non-Student Events: Notification to have alcoholic beverages served is vetted by Conference Services via the Office of Strategic Communication.

For non-student groups, notification and approval to serve (not sell) alcoholic beverages is vetted by Conference Services via the Office of Strategic Communication

For student on and off campus events at which alcohol will be served, the following procedures must be enforced by student organizations.

A minimum of two organization members must be present at the entrance of the event to check for proof of age. Only a valid photo ID that states date of birth can be accepted.

Functions hosted by a student organization, department/office or an approved organization not directly affiliated with NJIT are open only to the members, guests, and sponsors of the event. Anyone appearing to be under the influence of alcohol/drugs shall not be permitted entrance into the event.

The sponsoring organization must maintain a list of guests who attend the event listing the name and date of birth. The list shall be turned in to the Director of Fraternity and Sorority Life on the first business day following the event.

Wristbands or hand stamps must be provided to all persons who are 21 years of age or older. Only those wearing a wristband or stamp may be served alcohol. A specific plastic cup designated for alcoholic beverages or individual cans shall only be provided to those who are at least 21 years of age. Pitchers of alcoholic beverages cannot be distributed and guests may be served only one drink at a time.

All organization members who serve alcohol must be TIPS (Training for Intervention Procedures) trained and certified. A minimum of two bartenders who are members of the organization must be present behind the bar area. All bartenders must be at least 21 years of age. Bartenders may not drink or be under the influence of alcohol/drugs. Bartenders must not serve anyone who appears to be intoxicated or under the influence of alcohol/drugs.

At least two designated members of the organization who are not consuming alcohol will be assigned to monitor the alcohol consumption of all members and guests. These designated members will be responsible for providing options and ensuring that guests under the influence of alcohol/drugs do not leave the event without proper verification of a safe escort home. Designated members will contact the campus police department if assistance is needed.

## **Violations of NJIT Alcohol / Drug Policy and State / Federal Laws**

Violations of the most serious nature include incidences that involve extreme risk to health and safety, previous violation(s) of the NJIT alcohol/drug policy, and/or violations of federal, state, or local laws. These offenses include, but are not limited to:

- a. Serving or providing alcohol to an individual less than 21 years of age;
- b. Serving or providing alcohol to an individual who appears intoxicated or under the influence of drugs;
- c. Forcing or using coercion to encourage or cause another student to consume alcohol and/or a controlled dangerous substance;
- d. Failing to seek appropriate assistance for an individual who appears intoxicated or under the influence of drugs;
- e. Using, possessing, manufacturing, distributing, or dispensing a narcotic or other controlled dangerous substance except as expressly permitted by law (Note: "Controlled dangerous substance" is defined in NJSA 24:21-2, and includes, but is not limited to, opiates, narcotics, barbiturates, and hallucinogenic substance);
- f. Violation of Federal, State, and local laws;
- g. Permitting drinking contests or encouraging any form of rapid consumption of alcohol;
- h. Contributing to serious health risks such as vomiting, alcohol poisoning, being unconscious;
- i. Contributing to any accident, sexual misconduct, act of violence and/or damage to property related to the use of alcohol/drugs.

Violations of a serious nature are incidences that involve serious risk to health and safety, previous violation(s) of the NJIT alcohol/drug policy, and/or violations of federal, state, or local laws. These offenses include, but are not limited to:

- a. Purchasing or using bulk quantities of alcohol. Examples include, but are not limited to, beer balls, kegs containing alcoholic beverages, or other pooled sources of alcohol.
- b. Failure to secure written permission to serve alcoholic beverages.
- c. Failure to provide ample food and appealing sealed non-alcoholic beverages in the same location as alcoholic beverages.

## **Sanctions for Violations of NJIT Alcohol/Drug Policy**

Individuals who violate the NJIT alcohol/drug policy, university regulations, state and/or federal alcohol and/or drug laws shall be held accountable under University disciplinary

actions, formal written warning by law enforcement, criminal prosecution (if applicable under NJ Law), fine and/or imprisonment (if applicable under NJ Law). Consuming alcoholic beverages and/or illegal drugs shall not be used as an excuse for inappropriate behavior.

Sanctions may be implemented in accordance with the NJIT's Code of Conduct, and will reflect the severity of the offense(s).

### **Student Sanctions**

- a. Range of sanctions for violations of the most serious nature, as stated above-disciplinary probation to expulsion.
- b. Range of sanctions for violations of a serious nature, as stated above - written warning to suspension.
- c. In addition to the sanctions above, educational and/or health related interventions or other sanctions may also be assigned at the discretion of the Student Judicial Officer.

### **Organization Sanctions**

- a. Range of sanctions for violations of the most serious nature, as stated above – disciplinary probation to permanent withdrawal of university recognition.
- b. Range of sanctions for violations of a serious nature, as stated above – written warning to temporary withdrawal (suspension) of university recognition.
- c. In addition to the sanctions above, educational and or community service sanctions may also be assigned.

### **Employee Sanctions**

- a. Depending on the employee's contractual obligation with the university, sanctions may be assigned.
- b. Information about employee sanctions may be obtained from Human Resources.

## **Drug and Alcohol Abuse Education Programs**

Each year, the Department of Public Safety as well as other customer/student service related departments conduct presentations on a number of campus safety related topics. Specifically, the department conducts two presentations related to drug and alcohol use, entitled “Alcohol and Party Awareness” and “Date Rape and Party Drugs.”

The presentation on Alcohol and Party Awareness discusses the effects of alcohol and the responsibilities of a party host to those who decide to drink or not drink at a party. Included are estimation charts on how many drinks one can consume and still be under the legal limit of .08 BAC and the use of special goggles to demonstrate the physical effects of being intoxicated. The presentation on date rape and party drugs discusses the dangers of drug abuse and the use of certain drugs as they pertain to date or acquaintance rape.

NJIT prohibits the use of illegal drugs on its premises. University policy concerning possession and consumption of alcoholic beverages on campus subscribes to strict enforcement of the laws of the State of New Jersey and the City of Newark. In addition, the policy stipulates that any consumption must occur within a responsible social framework where beverages are not the focus of the event.

Students with drug and alcohol abuse problems can receive information, counseling, and referral assistance from the office of the Dean of Students and Campus Life, the Counseling Center, or St. Michael’s Primary Care Center.

## **Counseling Services and General Outreach**

The Center of Counseling and Psychological Services (CCAPS), staffed by experienced psychologists and professional counselors, provides services for students seeking psychological, academic, and substance abuse counseling. In addition to the professional counseling staff, a psychiatrist is available for consultation as needed. Counseling services are confidential, with limited exceptions.

Students who need more comprehensive or longer-term care may be referred to off-campus facilities and services. Students may also need information about off-campus resources for family or friends. CCAPS assist with referrals for psychotherapy, couples or family therapy, psychiatric services, alcohol/drug rehabilitation and other issues. Most off-campus providers charge a fee, but some have low fee options for those who lack insurance or have limited income. Also, self-help programs, which are usually free, may be recommended to supplement CCAPS.

CCAPS runs periodic workshops on a variety of issues, including acquaintance rape prevention and alcohol/drug abuse and participates in an alcohol awareness week program that takes place each year. CCAPS also has an outreach program called High Alert, created for students who are impacted by alcohol and/or drug abuse either individually, by friends, or in their families. It is educational in nature and is intended to help students identify the causes of and solutions to problematic substance use. Students are also welcome to come in and browse through the informational materials and brochures that are available in the Center’s waiting room area.

The university also offers special support for incoming students through the Center for First Year Students, located in Campus Center. The University also offers support for incoming students through numerous departments within the university, including the Office of the Dean of Students, Office of Residence Life, Center for Student Success, Academic Advising, Orientation and many others. A full list of such services and offices is maintained in the Office of the Dean of Students. Once students have matriculated into NJIT, they then take an introductory course entitled First Year Seminar, which includes topics such as Your Rights and Responsibilities as a Student, Ethics, and Communication Skills. In order to help connect first-year students to each other, the program also organizes structured recreational events ranging from field trips to visits to local museums and professional sporting events.

### **Employees – Drug-Free Workplace Policy**

NJIT follows the requirements of the Drug-Free Workplace Act of 1988 enacted by the United States Congress. Employees (including students) are subject to university policies regarding employment. NJIT is committed to maintaining a drug-free workplace in compliance with applicable laws and to supporting those trying to cope with drug-related problems. The unlawful possession, use, distribution, dispensation, sale, or manufacture of controlled substances is prohibited on university premises. Any NJIT employee determined to have violated this policy or engaged in drug-related problems that have an impact on the workplace may be subject to disciplinary action up to and including termination. At the discretion of the university, any employee convicted of a drug offense involving the workplace shall be subject to employee discipline (up to and including termination) and/or required to satisfactorily complete a drug rehabilitation program as a condition of continued employment.

The illegal use of controlled substances can seriously injure the health of employees, adversely affect the performance of their responsibilities, and endanger the safety and well-being of fellow employees, students, and members of the general public. Therefore, the university urges employees engaged in the illegal use of controlled substances to seek professional advice and treatment. Anyone who is employed at NJIT who has a drug problem is encouraged to contact the Department of Human Resources for appropriate referral in obtaining and assisting with any available treatment. Employees engaged in contracts with the U.S. Department of Defense are additionally subject to Department of Defense requirements and may be required to submit to tests for the illegal use of controlled substances.

As a condition of employment, an employee of NJIT must notify his or her supervisor if he or she is convicted of a criminal drug offense involving the workplace within five days of the conviction. In the event any such conviction involves an employee working on a federal contract or grant, the university must notify the granting or contracting federal agency within 10 days of receiving notice of a conviction. A copy of this statement shall be given to all employees.

Financial Aid Tutorial/University Eligibility: <http://www.finaid.ucsb.edu/fafsasimplification/>



## **Campus Sexual Assault Programs**

The NJIT Department of Public Safety offers training to address the prevention of forcible and non-forcible rape and other sex offenses. Concrete, real world techniques are taught as to how to avoid becoming a victim of this type of assault. Additionally, the Department of Public Safety has certified Rape Aggression Defense Trainers (RAD) instructors who offer training throughout the year. RAD is a comprehensive self-defense course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing to the basics of hands-on defensive training. RAD system of realistic defense provides women with the knowledge to make educated decisions concerning prevention and resistance. The office of the Dean of Students and Campus Life/ Title IX Coordinator sponsors both mandatory online and in-person training regarding sexual harassment and sexual violence. Written information regarding prevention, response and support services are available online and in the following offices: Dean of Students and Campus Life, Residence Life, Center for Counseling and Psychological Services- CCAPS, Health Services at St. Michael's Primary Care Center and Advising Success Center.

Summer orientation programs for undergraduates offer sexual violence prevention programming. All first year students in Learning Communities, EOP and the Honors College receive a Title IX Workshop by the fifth week of the beginning of the Fall Semester. The Office of the Dean of Students and Campus Life/Title IX Coordinator offers in-person training for "responsible employees" under Title IX. All undergraduate and graduate students are mandated to complete the online Title IX training module every year. The Department of Human Resources mandates Sexual Assault Training every two (2) years on line.

Both men and women can be victims of sexual assault. The consequences, medical and emotional, may be numerous, long-lasting and painful. Due to the myths and misconceptions surrounding this issue, many victims hesitate to seek support or professional help.

### **If you are the victim of sexual violence:**

You are not alone. Sexual violence happens to people of all genders and sexual orientations. Your safety is our primary concern. The following are suggested steps to take after an incident.

1. **Be Safe.** If you are in immediate danger dial **9-1-1** for emergencies from a campus phone or **973-596-3111** from a non-campus phone to report crime information. If you are you are not on campus, contact **9-1-1** for your local police. Go to a safe place and seek immediate support from a trusted friend, family member or university staff member.
2. **Get Medical Help as soon as possible.** *Public Safety Can Provide Transportation*

**(A) University Hospital, St. Michael's Primary Care Center and Newark Beth Israel Hospital.** The victim has a right to immediate medical evaluation and evidence collection. *Evidence collection does not commit the victim to filing a criminal complaint:* it can be held for ninety days while the victim considers options. It is advisable not to bathe, shower, douche or change clothes.

- a. In New Jersey, emergency room fees related to a sexual assault are waived if the victim files a police report.
- b. If the victim does not file a report, the fees are likely to be covered by the Crime Victims Compensation Fund,

c. NJIT's Student Health Insurance may cover the fees up to the limits of the insurance policy for those who have purchased it.

**(B) [Student Health Service at NJIT](#)**

If 96 hours have passed since the incident, you may obtain confidential medical care on campus at the Student Health Services at St. Michael's Primary Care Center, 111 Central Ave, Newark, NJ.

- 3. Get Confidential Emotional Support.** Confidential emotional support and counseling begins immediately if you go to the SANE Center for a medical exam within 96 hours (4 days) of the incident.

Free support is also available through [Counseling and Psychological Services \(CCAPS\)](#), located on the second floor of Campbell Hall (205).

- 4. File a Title IX Complaint.** A federal law known as Title IX protects all NJIT students, faculty and staff by prohibiting sexual discrimination and harassment in all forms. If you wish to file a complaint of sexual misconduct, contact NJIT's [Title IX Coordinator](#) or Deputy Coordinator at [973-596-3466](tel:973-596-3466) or visit the Dean of Students and campus Life Office located on second floor of Campus Center (Room 255)

**If you know a victim of sexual misconduct:** Encourage that person to read this document, seek medical care and talk to a trained counselor or sexual assault advocate. Be clear that you support that person. Most importantly, consider and protect that person's privacy. Be sensitive to what they are going through as part of the healing process.

**Resources**

**NJIT Student Health Services @ St. Michael's Primary Care Center**  
111 Central Avenue, Newark, NJ 07102 Ph: 973-596-3621

**NJIT Center for Counseling and Psychological Services (CCAPS)**  
Campbell Hall, Room 205 (973) 596-3414

**NJIT Public Safety** Parking Deck, Street Level

973-596-3111 for information

or 9-1-1 for emergency, say "Location is NJIT"

**NJIT Title IX Services**

(Report or discuss incidents of sexual assault, sexual harassment, domestic violence)

- Dr. Marybeth Boger

Title IX Coordinator

Campus Center, Room 255: 973-596-3466

- Sean Dowd

Deputy Coordinator/Investigator

Cypress Hall, Main Floor: 973-596-3039

### **NJIT University Community Standards, Judicial Affairs**

#### **National Sexual Assault Hotline:**

Call 1-800-656-HOPE

#### **Essex County Rape Care Center**

1-877-733-2273

If you wish, the NJIT Department of Public Safety can provide you with transportation to University Hospital. You can reach the department by calling (973) 596-3111. You need not file a formal report or press charges to receive assistance with transportation.

Until your medical examination, you are advised not to bathe, shower, douche, or change clothes. If possible, you should also not urinate, eat, drink, or smoke. It is important to note that bedding and other material may also hold valuable evidence and should be preserved.

If you decide to formally report the sexual assault, you can contact the Department of Public Safety 24 hours a day. Alternatively, you may request assistance from the Dean of Students and Campus Life Office or the Office of Residence Life during regular business hours. The Dean of Students and campus Life Office or the Office of Residence Life will in turn notify the Department of Public Safety.

Believe in yourself and give yourself time to heal, and to make decisions. It is okay to change your mind and decide to seek professional help or report the sexual assault even if you were initially reluctant to do so.

#### **If a Friend is Sexually Assaulted**

Many times, victims choose not to tell anyone about the assault. If a friend of yours has been sexually assaulted and turns to you for support, the most important thing you can do is to listen and to believe your friend. Don't question him or her. Tell your friend it was not his or her fault and refer your friend to one of the resources listed above. Encourage your friend to seek medical attention. Know your own limitations, and seek assistance and support if needed.

#### **Campus Sexual Assault Victims' Bill of Rights**

NJIT follows the guidelines set forth in the Campus Sexual Assault Victims' Bill of Rights, adopted by

the New Jersey Commission on Higher Education and enacted by the State of New Jersey, effective September 1, 1995. Copies of the New Jersey Campus Sexual Assault Bill of Rights are available in the office of the Dean of Students and Campus Life. Procedures for resolving issues of sexual assault are available in the Dean of Students and Campus Life and the Office C-CAPS.

The Victims' Bill of Rights shall be afforded to victims of sexual assault that occur on the campus of any public or independent institution of higher education in the state of New Jersey; and where the victim or alleged perpetrator is a student at that institution; and/or when the victim is a student involved in an off-campus sexual assault.

- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be informed of their options to notify law enforcement.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic and living situations.

### **Campus Judicial and Legal Rights**

The victim has the right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the sexual assault is reported; the right to receive full and prompt cooperation and assistance of campus personnel in notifying the proper authorities; and the right to receive full, prompt, and victim-sensitive cooperation of campus personnel with regard to obtaining, securing, and maintaining evidence, including a medical examination when it is necessary to preserve evidence of the assault.

The victim has the right be afforded the same access to legal assistance as the accused. Both the accused and the accuser have the same opportunity to have others present during any campus disciplinary proceeding and to be notified of the outcome of any institutional disciplinary proceeding brought alleging a sex offense. Preponderance of the evidence is the standard of proof utilized in NJIT Campus proceedings.

University disciplinary sanctions for a student found responsible for a violation of the University Sexual Assault Policy ranges from disciplinary probation to permanent expulsion from the university. Sexual Assault violations garner and prompt the more severe disciplinary sanctions.

### **Campus Intervention**

The New Jersey Institute of Technology will comply with all student requests regarding criminal incidents or allegations of sexual assault. Campus personnel will take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants. If so desired, the victim will be provided with assistance in changing academic and living situations if such changes are reasonably available. Additionally, a Domestic Violence Act Restraining Order/Protection Order may be applied for via application through the NJIT Police or the Superior Court of New Jersey – Essex County.

### **Additional Resources**

<b>On Campus:</b>		
C-CAPS (Center for Counseling & Psychological Services)	Campbell Hall, Room 205	973-596-3414
Dean of Students and Campus Life	Campus Center, Room 225	973-596-3470
Residence Life Office	Cypress Hall, first floor	973-596-3039
NJIT's Health Services at St. Michael's Primary	111 Central Ave.	973-596-3621
<b>Off Campus:</b>		
Essex County Rape Care Program - University Hospital	204 Claremont Avenue Montclair, NJ	877-733-2273
St. Michael's Primary Care Center	111 Central Avenue Newark, NJ	973-877-5000

### **Registered Sex Offender Information**

The State of New Jersey requires sex offenders to register with police in the jurisdiction in which they live. It further provides that offenders who attend NJIT, or who are employed or carry on a vocation at the university, either on a full or part-time basis, must register with the NJIT Police Department. Information on registered sex offenders on the NJIT campus is available during normal business hours at NJIT Police Department located on the first floor of the parking deck on Summit Street, Newark, NJ 07102, 973-596-3120 or 24 hours a day via the New Jersey State Police web site [http://www.state.nj.us/njsp/info/reg\\_sexoffend.html](http://www.state.nj.us/njsp/info/reg_sexoffend.html)

## University Fire Statistics 2018, 2019 and 2020

Residential Facilities  2018	Total Fires in Each Building	Cause of Fire	Number of Injuries Requiring Treatment at Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage
Cypress Hall 180 Bleeker Street	0	N/A	N/A	N/A	N/A
Laurel Hall 141 Summit Street	0	NA	N/A	N/A	N/A
Oak Hall 155 Summit Street	0	N/A	N/A	N/A	N/A
Redwood Hall 186 Bleeker Street	0	N/A	N/A	N/A	N/A
Honors College 152-186 Warren Street (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A
Greek Village Private Housing 5&21 Greek Way (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A
Greek Village Private Housing - 7,9,11,13, 15, 17,19,23 Greek Way (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A
<b>2019</b>					
Cypress Hall 180 Bleeker Street	0	N/A	N/A	N/A	N/A
Laurel Hall 141 Summit Street	0	N/A	N/A	N/A	N/A
Oak Hall 155 Summit Street	0	N/A	N/A	N/A	N/A
Redwood Hall 186 Bleeker Street	0	N/A	N/A	N/A	N/A
Honors College 152-186 Warren Street (Opened Sept. 2013)	1	Kitchen Stove	0	0	\$58,379.05
Greek Village Private Housing 5&21 Greek Way (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A
Greek Village Campus Housing- 7,9,11,13,15,17,19&23 Greek Way (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A
<b>2020</b>					
Cypress Hall 180 Bleeker Street	0	N/A	N/A	N/A	N/A
Laurel Hall 141 Summit Street	0	N/A	N/A	N/A	N/A
Oak Hall 155 Summit Street	0	N/A	N/A	N/A	N/A
Redwood Hall 186 Bleeker Street	0	N/A	N/A	N/A	N/A
Honors College 152-186 Warren Street (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A
Greek Village Private Housing 5&21 Greek Way (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A
Greek Village Campus Housing- 7,9,11,13,15,17,19&23 Greek Way (Opened Sept. 2013)	0	N/A	N/A	N/A	N/A

## Fire Safety Systems

Residential Facilities	Fire Alarm Monitoring	Full Sprinkler System	Smoke Detection System	Fire Extinguishing Device	Evacuation Placards	Number of Evacuation Fire Drills - 2020
Cypress Hall 180 Bleeker St.	NJIT Department of Public Safety	X	X	X	X	4
Laurel Hall 141 Summit St.	NJIT Department of Public Safety	X	X	X	X	4
Oak Hall 155 Summit St.	NJIT Department of Public Safety	X	X	X	X	4
Redwood Hall 186 Bleeker St.	NJIT Department of Public Safety	X	X	X	X	4
Honors College 152-186 Warren Street (Opened Sept. 2013)	NJIT Department of Public Safety	X	X	X	X	4
Greek Village Campus Housing 7,9,11,13,15,17, 19,& 23 Greek Way (Opened Sept. 2013)	NJIT Department of Public Safety	X	X	X	X	4
Greek Village Private Housing – 5 & 21 Greek Way (Opened Sept. 2013)	NIT Department of Public Safety	X	X	X	X	4

In addition to the foregoing automated life safety systems, there are fire alarm pull stations located in each hallway of the residence halls, as well as two to four fire extinguishers in each hallway. Every residence hall also has the capability for staff to give voice commands via microphone from the first-floor front desk area, and the sound is transmitted via speakers located in individual rooms, hallways, and common areas. NJIT complies with building codes and standards and the university has determined that future improvements are not required at this time.

### Fire Safety Education

Residence Assistants, Community Assistants, and staff of Residence Life are trained in evacuation protocol and procedures twice each year, in the fall and spring semesters. Each Fall and Spring Semester, residence hall students must also attend a meeting in their respective residence hall at which fire safety issues are covered.

### Fire Alarm Policy

When a fire alarm sounds, residents and their guests must treat the alarm as real and evacuate the building immediately. Failure to exit the building during a fire alarm can result in disciplinary action. Rooms may be checked during fire alarms to ensure compliance. If a resident is locked out of their room during a fire alarm, they will not be charged if they had become locked out due to the alarm going off.

Tampering with any of the above-named systems is a serious matter that could jeopardize the safety of a number of people and can result in severe disciplinary and/or criminal

prosecution. If a resident fails to comply with fire drill regulations, sets a fire, sets off a false alarm, or empties a fire extinguisher without cause, he/she is subject to eviction and criminal prosecution and/or disciplinary action.

### **Fire Evacuation Procedures**

Fire alarm evacuation placards and procedures are posted on all floors of each Residence Life Building in the hallways and are refreshed periodically. The procedures can also be found on line on Residence Life website.

On the sounding of an alarm, all persons, except emergency personnel, are to evacuate the affected building by the nearest fire exit or stairwell. Elevators are not to be used. No one except Fire and Emergency personnel will be permitted to re-enter affected buildings until permission is granted by the Director of Health and Environmental Safety or Public Safety.

1. Think, and then respond quickly but safely. Common sense could save your life.
2. Dress for the weather. Toss a towel around your neck in case you encounter smoke while exiting.
3. Before opening your door, feel it. If it is hot, stay in your room and call (973) 596-3111 or, if a confirmed fire condition / emergency, dial **9-1-1** to let them know where you are. Trained rescuers will assist you.
4. If it is not hot, open it slowly. If there is no smoke or visible fire, proceed to the nearest exit.
5. As you make your way through the hallway, knock on hallway doors to alert fellow residents as you make your way to the stairwell.
6. If you encounter smoke while exiting, drop to the ground, stay low and crawl to the nearest exit.
7. Once outside, Cypress and Redwood Hall residents should report to the Campus Center, while Laurel and Oak Hall residents should report to the parking deck. Residents of Honors and Greek Way housing will report to the Parking Deck. Further directions will be given at this point.
8. Once outside, report any information related to fire/smoke or to students still inside to public safety personnel or to any other staff member at the scene.
9. Only after the fire alarm has been reset and Public Safety Officers have deemed it safe to re-enter, may residents may return to the building.
10. On re-entry, Residence Life staff will confirm that students allowed entry into the building are in fact residents of the respective residence hall. Any guests should remain close to their hosts. If they have a guest pass that matches up with the host ID name, they will be let in. Otherwise, they will need to be signed in.



In all instances of fire, even if extinguished without Public Safety response, the fire must be reported to the Department of Public Safety at (973) 596-3111 to ensure accurate statistical reporting.

### **Permitted and Prohibited Items and Activities in the Residence Halls**

- Smoking is prohibited in all NJIT Residence Halls
- Candles, incense, potpourri or other flame-emitting articles are prohibited in residence halls.
- The possession, carrying, or use of fireworks, firecrackers, or explosives is prohibited in university residence halls.
- Small personal appliances that are approved by the Underwriters Laboratories (see [www.ul.com](http://www.ul.com)) may be used in the residence halls unless otherwise stated. Electrical equipment such as hot plates, hot pots, and halogen or other high-intensity lamps, immersion heaters, grills, space heaters, crock pots, air conditioners, electrical blankets, rice cookers, and toaster ovens are not permitted. Soldering irons may be stored in residential rooms, but cannot be used in the halls. One microwave, up to 1000 watts/9.5 amps, is permitted in each room. However, one toaster/toaster oven, one rice cooker and one crock-pot, are permitted in each room of Oak Hall only. Appropriate university personnel will confiscate any of the above banned items found in the residence halls. Confiscated items will be returned at the end of the semester or at break periods (Thanksgiving or Spring Break) for residents to take home or off-campus.
- Extension cords or multi-plug outlets are not permitted. Power strips may be used. A power strip should not be plugged into another power strip.
- Students may rent (through NJIT's approved vendor) one Micro Fridge (a 2.1 cubic foot refrigerator with a 0.7 cubic foot freezer and 0.6 cubic foot microwave). Students may bring two 1.7 cubic foot refrigerators or one 4.0 or less cubic foot refrigerator per bedroom. Information regarding rentals may be obtained from the Residence Life office.
- Deliberately setting or fueling a fire, no matter how large or small, is strictly prohibited.
- The use of or installation of wood, paneling, and/or tiles is prohibited unless approved by the university.
- Gasoline, benzene, chemicals, and other flammable liquids are strictly prohibited.
- For fire safety reasons nothing can be hung on or in front of a window. The curtains and blinds provided in each room are fire resistant. Nothing is to be strung across the room for the purpose of decorations. This includes holiday lights and sheets and other materials attached to the ceiling.

## **VAWA (Violence Against Women Act)**

New Jersey Institute of Technology (NJIT) does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, including dating violence, domestic violence, and stalking. As a result, New Jersey Institute of Technology issues this statement to inform the community of our comprehensive plan addressing sexual misconduct in educational programs, and procedures that address sexual misconduct, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a responsible individual.

In this context, NJIT prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all its members of the community.

For a complete copy of NJIT policies governing sexual assault, visit: <http://www.njit.edu/policies/pdf/students-sexual-harassment-policy0001.pdf> and [http://www.njit.edu/policies/pdf/sexual\\_harrassment.pdf](http://www.njit.edu/policies/pdf/sexual_harrassment.pdf).

### **Definitions**

**Consent**: Consent is a mutual and voluntary agreement to engage in a sexual activity. If coercion, intimidation, threats and/or physical force are used, there is no consent. If an individual is mentally or physically incapacitated/impaired so that the individual cannot understand the fact, nature, or extent of the sexual situation, there is no consent, including whether the incapacity/impairment is due to alcohol or drug ingestion, sleep, unconsciousness, or because of an intellectual or other disability that prevents the individual from having the capacity to give consent. Silence does not constitute consent. Past consent of sexual activities does not imply ongoing future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.

**Sexual Misconduct**: As per NJIT policy, the following definitions come under this category:

### **Sexual Harassment**

Sexual Harassment is a form of gender-based discrimination which violates Federal and State law as well as NJIT's policy prohibiting discrimination on the basis of sex or gender. Sexual harassment is unwelcome conduct that occurs based on a person's sex or gender and that is severe or pervasive that unreasonably interferes with an individual's educational performance, or creates an intimidating, hostile or offense educational environment.

### **Examples of Sexual Harassment:**

Some examples of sexual harassment include, but are not limited to the following behavior:

1. Unwelcome pressure for a dating, romantic or intimate relationship.
2. Unwelcome and inappropriate touching, such as hugging, brushing purposely against another's body, or pinching.
3. Disparaging remarks or other behavior concerning a person's gender or sexual orientation; inappropriate sexual innuendoes or humor.
4. Offensive sexual graffiti, pictures or written remarks, including content in email and internet usage.
5. Sexually oriented or obscene gestures, verbal expressions, or comments of a sexual nature about a person's body, clothing or sexual experience.
6. Conduct by a person in a position of authority relative to the student, where there is an implicit or explicit suggestion that submission to the conduct is a condition of an educational benefit.

### **Sexual Violence**

Sexual Violence is an actual, attempted, or threatened sexual act with another person without that person's consent. Sexual violence may include, but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse and acts commonly referred to as date rape are included in this description.
2. Coercing, forcing, or attempting to coerce or force a sexual act on another, as well as participating in or aiding the coercing, forcing or attempting to coerce or force a sexual act on another.
3. Participating in or aiding any sexual act when the recipient of such act is unable to give consent.
4. Intentional, unwelcome and inappropriate touching, or coercing, forcing or attempting to coerce or force another to touch a person.
5. Offensive sexual behavior that is directed at another, including not but limited to indecent exposure, voyeurism, inappropriate communication.

### **STATE DEFINITIONS 2C:14-1 - SEX OFFENSES**

- "Actor" – means a person accused of an offense proscribed under this act
- "Victim" – means a person alleging to have been subjected to offenses proscribed in this act.

- “Sexual Penetration” – means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the finger or object into the anus or vagina either by the actor or upon the actor’s instruction, depth of insertion shall not be relevant.
- “Sexual Contact” – means an intentional touching by the victim or actor, either directly or through clothing, of the victim’s or actor’s intimate parts for purpose of degrading or humiliating the victim or sexually arousing or gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present.
- “Intimate parts” means the following body parts: sexual organs, genital area, anal area, inner thigh groin, buttock or breast of a person.
- “Severe personal injury” means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain.
- “Physically helpless” means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act.
- “Mentally defective” means that condition in which a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of understanding the nature of his conduct, including but not limited to, being incapable of providing consent.
- “Mentally incapacitated” means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct.
- “Coercion” as used for these offenses shall refer to those acts which are defined as criminal coercion in section 2C:13-5 in New Jersey Criminal Code.

**2C:14-2 Sexual Assault-Aggravated sexual assault:**

Actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any 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 or
  - b. The actor has supervisory or disciplinary power over the victim by virtue of occupational, professional or legal status or
  - c. The actor is a resource family parent, 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 persons, of robbery, kidnapping, homicide, aggravated assault, 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 there to be a weapon and threatens by word or gesture to use weapon or object;
5. The actor is aided or abetted by one or more persons and uses physical force or coercion;
6. The actor uses physical force or coercion and severe personal injury is sustained by the victim;
7. The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.
  - a. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim with is less than 13 years old and the actor is at least 4 years older than the victim.
  - b. An actor is guilty of sexual assault if he commits and 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; 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, 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 least 4 years than the victim.

### **2C:14-3 Criminal Sexual Contact**

Actor is guilty of aggravated criminal sexual contact if commits an act of sexual contact with a victim under any of the circumstances above 2C:14-2a (2) through (7)

### **2C:14-4 Lewdness**

1. A person is guilty of a disorderly persons offense if he does any flagrantly lewd and offensive act which he knows or reasonably expects is likely to be observed by other non-consenting persons who be affronted or alarmed.
  - a. A person commits an act of Lewdness if:
  - b. He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or any other person under circumstances where the

- actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least 4 years older than the child.
- c. He exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a person who because of mental disease or defect is unable to understand the nature of the actor's conduct.
2. "Lewd Acts" shall include the exposing of genitals for the purpose of arousing or gratifying the sexual desire of the actor or any other person.

**2C:25-19 Domestic Violence:** The term "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 emancipated minor: Homicide, Assault, Terroristic Threats, Kidnapping, Criminal Restraint, False Imprisonment, Sexual Assault, Criminal Sexual Contact, Lewdness, Criminal Mischief, Burglary, Criminal Trespass, Harassment, Stalking.

1. Felony or misdemeanor crimes of violence committed
  - i. By a current or former spouse or intimate partner of the victim;
  - ii. By a person with whom the victim shares a child in common;
  - iii. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
3. "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.
  - i. "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 declared by a court or an administrative agency to be emancipated.

**Dating Violence:** The term "dating violence" means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim and
2. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of

relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- ii. Dating violence does not include acts covered under the definition of domestic violence

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

The components and elements of “Dating Violence” are incorporated and enumerated within the Domestic Violence Statute 2C:25-19 above.

**2C 12:10 Stalking:** The term “stalking” means:

1. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - a. Fear for the person’s safety or the safety of others; or
  - b. Fear bodily injury or death to himself or members of his immediate family; or
  - c. Suffer substantial emotional distress.
2. For the purposes of this definition:
  - a. Course of conduct means two or more acts **repeatedly**, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, conveys or causes to be conveyed any verbal or written threats by any method, device, or means follows, maintains visual or physical proximity, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - b. “Repeatedly” means on two or more occasions.
  - c. “Immediate family” means a spouse, parent, child, sibling or any other person who regularly resides in the household or who within the prior six months regularly resided in the household.
  - d. Substantial emotional distress means significant mental suffering or anguish that may, but not necessarily, require medical or other professional treatment or counseling.
  - e. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

**A. Education and Prevention Programs**

The University, through its Human Resources Department, Office of the Dean of Students and Campus Life and by request, the Public Safety Department, offers comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual misconduct, dating violence, domestic violence, and stalking.

**B. Student Procedures for Reporting a Complaint**

Students who believe they have been the victim of sexual misconduct, domestic violence, dating violence, stalking or sex or gender-based discrimination are encouraged to file a complaint with the Title IX Coordinator as soon as possible after the incident takes place. A complaint may also be filed with the Dean of Students and campus Life Office or the NJIT Public Safety Department.

If other than the Title IX Coordinator taking the complaint, a copy of the complaint will be forwarded by the individual taking the complaint to the Title IX Coordinator. In actions involving allegations of sexual misconduct, domestic violence, dating violence, or stalking, the complainant may also file a separate complaint and/or a police report with the NJIT Public Safety Department or other appropriate law enforcement agency. If a complaint is first filed in NJIT's Department of Public Safety, the department will as soon as practicable forward a copy of the complaint/report to the Title IX Coordinator if the complainant or alleged violator is a student.

The University's Title IX Coordinator will oversee all investigations of Title IX complaints; regardless of where they are filed and/or with whatever university office they are filed. However, a student may contact the primary Title IX Coordinator at any time. The Title IX Coordinator's contact information, as well as the Dean of Students and Campus Life Office and NJIT Public Safety information, is listed below:

**Dean Marybeth Boger**

Title IX Coordinator

255 Campus Center Office

Telephone: 973-596-3470

Email Address: [Boger@njit.edu](mailto:Boger@njit.edu)



**Department of Public Safety**

154 Summit Street

Parking Deck

Office Telephone: 973-596-3111 or 3120 (non-emergency / information / crime reporting)

Emergency: 9-1-1 (Say “Location NJIT”)

**Dean of Students and Student Life Office**

255 Campus Center: 973-596-3470

Email Address: [dos@njit.edu](mailto:dos@njit.edu)

After an incident of sexual misconduct or domestic violence, the victim is strongly urged to seek medical attention as soon as possible. A resource that the student may choose to use is University Hospital 150 Bergen Street, Newark, NJ, St. Michael’s Primary Care Center 111 Central Avenue, Newark, NJ, or Newark Beth Israel Medical Center 201 Lyons Avenue, Newark, NJ. In New Jersey, evidence may be collected even if a victim chooses not to make a report to law enforcement.

In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual misconduct, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents.

NJIT’s Public Safety Department works closely with all members of the University community, and although the University strongly encourages all members of its community to report violence to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police.

The University will assist any victim with notifying local police if they so desire. Newark Police Department may also be reached directly by calling the North District at 973-733-6080, in person at 1 Lincoln Avenue.

**C. Confidentiality**

While the University cannot guarantee complete confidentiality, it will make every effort to respect the privacy of the parties consistent with its obligation to investigate and respond appropriately to charges of sexual misconduct, domestic violence, and dating violence. The University strives to treat all students with equal care, respect, and dignity and will to

the best of its ability, preserve the privacy of all students involved. The New Jersey Institute of Technology will comply with all OPRA Guidelines (Open Public Records Act N.J.S.A. 47:1A-1 et. Seq.) pertaining to confidentiality. (Toll Free Information 866-800-0511) [www.state.nj.us/grc](http://www.state.nj.us/grc).

Anonymous complaints (those where the complaining party does not identify himself or herself) may be processed unless the University makes the determination that the available information, or lack thereof, renders an investigation impossible or unfeasible. As appropriate, complaints will also be reported to the Department of Public Safety for inclusion in the annual campus crime report.

NJIT encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a victim’s confidentiality.

- a. Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- b. Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim’s wishes.
- c. Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This statement is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. The University encourages victims to talk to someone identified in one or more of these groups.

## **1. Privileged and Confidential Communications**

- ***Professional and Pastoral Counselors.*** Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim’s consent.
- ***Non-professional Counselors and Advocates***

Individuals who work or volunteer in the on-campus Counseling Center or Women’s Center, including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim’s identity or that the victim has disclosed the incident.

While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator informed of the general extent and nature of sexual misconduct on and off campus so the Coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the University may be unable to investigate the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

## **2. Reporting to “Responsible Employees”**

A “responsible employee” is a University employee who (1) has the authority to redress sexual misconduct, (2) the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee; or (3) who a student could reasonably believe has authority or duty.

When a victim tells a responsible employee about an incident of sexual misconduct, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged

perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

#### **D. Confidential Resources/Counseling**

NJIT provides opportunities for support and assistance and encourages students who are the victims of sexual misconduct, domestic violence, dating violence or stalking to seek professional help and support. Available confidential resources are listed below. Reporting any allegations of sexual misconduct to any of the resources below will not result in an investigation without the consent of the student providing the information, but may be forwarded to Public Safety Department anonymously for inclusion in the annual campus crime report.

A victim of sexual misconduct has several options related to care and services that are available to him/her. The victim has the opportunity to accept or decline any or all of the options presented. No action will be taken by NJIT prior to obtaining a victim's consent, unless NJIT has significant reason to believe that the victim or other members of the NJIT community may be in danger.

Options that a victim may choose include:

1. Medical examination/treatment for injuries; preventative treatment for sexually transmitted diseases and pregnancy; and other health services;
2. Participate in a forensic examination for evidence collection and preservation;
3. File a criminal report and/or criminal charges;
4. File a Title IX complaint or other NJIT disciplinary charges;
5. File a civil complaint; and
6. Pursue other sexual misconduct services both on and off campus.

Regardless of whether or not a victim chooses to make an official report, participate in the NJIT disciplinary process, or file a criminal complaint, the following lists resources that are available to a victim:

**NJIT Center for Counseling and Psychological Services**  
Campbell Hall, Room 205

(973) 596-3414

**NJIT Student Health Services at St Michael's Primary Care Center**

111 Central Avenue  
Newark, NJ 07102  
(973) 596-3621

**University Hospital Behavioral Health Care**

183 South Orange Avenue  
Newark, NJ 07103  
(973) 972-1431

**Essex County Rape Care Center**

60 South Fullerton Avenue  
Suite 109 Montclair, NJ 07042  
(973)-746-0800

**NJ Coalition against Sexual Assault Hotline**

(800)-601-7200

**Victims of Crime Compensation**

50 Park Place  
Newark, NJ 07102  
877-655-2221 Toll Free  
973-648-2107  
[www.njvictims.org](http://www.njvictims.org)

The confidentiality of information provided to these sources is protected by law and a student's personal information will not be disclosed without the student's permission.

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

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

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

<http://www.notalone.gov> – Information for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual misconduct on University and university campuses.

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

of Civil Rights.

### **NJIT's Public Safety Department Tips on Risk Reduction**

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
2. **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
3. **Walk with purpose.** Even if you don't know where you are going, act like you do.
4. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
5. **Make sure your cell phone is with you** and charged and that you have cash money.
6. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
7. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
8. **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
9. **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
10. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
11. **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
12. **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
13. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
14. If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- a. **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - b. **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends and family can then come to get you or make up an excuse for you to leave.
  - d. **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
15. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
16. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

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

Bystanders play a critical role in the prevention of sexual misconduct and relationship violence. The University wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help, so the following lists some ways of becoming an active bystander:

- a. Help friends and fellow students; if someone looks like they are in distress ask if they are okay;
- b. If an incapacitated/impaired individual is being confronted by an aggressive person for sex or in a bullying manner, confront the aggressor;
- c. If someone tells you that he/she was the victim of sexual misconduct, do not discount what they are saying; assist them in getting help and support from the resources listed in this statement.

### **E. Investigative procedures**

Whether or not criminal charges are filed, the University's Title IX Coordinator or designee shall coordinate a prompt, thorough, and impartial inquiry into any reports of sexual misconduct, domestic violence, dating violence, or stalking, consistent with State

and local law, whether appropriate law enforcement or other authorities should be notified. During the fact-finding, both the complaining student and the accused individual will have equal opportunity to share any information, including verbal testimony, written documents, and supporting witnesses, in separate meetings before a final determination is made. The student bringing the complaint and the accused individual may each be assisted by an advisor of his or her choice (which may be a union representative). In any judicial hearing or disciplinary proceeding, the hearing administrator may accommodate any student(s) with concerns for the personal safety, well-being, and/or fears of confrontation during the hearing by providing appropriate and equal accommodations in the hearing process as determined to be appropriate.

**Time for Completion:** An investigation and/or disposition should generally be completed as soon as possible and generally within 30 to 60 days of the date a complaint is filed with the University. All participants in the investigation shall be informed of the prohibition against retaliation.

**Mediated Resolution:** With the consent of both parties, any claim of sexual harassment may be mediated. However, claims of sexual violence shall not be subject to a mediated resolution.

**Representation Rights:** The student bringing the complaint and the accused, if a student, may each be assisted by an advisor of his or her choice during any investigative meeting, pre-hearing conference or informal or formal hearing. The role of an advisor is to accompany the student during conferences or hearing proceedings and/or assist him or her with any hearing or conference preparations. The advisor may not participate directly in any proceedings or represent any student involved. Any cost associated with the participation of an advisor is the responsibility of the student.

**Academic Accommodations and Interim Measures:** The Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: A University order of no contact, residence relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. The remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the result of an investigation or may become permanent as determined by NJIT.

**Cooperation of Complainant:** The University will attempt to obtain consent from the



individual filing the complaint before beginning an investigation. However, there may be some instances when the University may pursue an investigation regardless of the requests of the complaining party not to proceed, if it is necessary to provide a safe and nondiscriminatory environment. If the complaining party chooses not to, or is unable to participate in the investigation process, the University's ability to respond to the complaint may be limited.

**Prohibition Against Knowingly Filing False Information:** Any individual who knowingly provides false information regarding the filing of a complaint or report of sexual misconduct or during the investigation of such a complaint or report may be subject to discipline or legal action. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated in the investigation.

**Ability to Proceed with Investigation:** The University reserves the right to determine whether the University is not able to pursue alleged violations under appropriate circumstances, including, but not limited to, a determination that an effective investigation is not feasible because of the passage of time, because the respondent is no longer a NJIT student or employee and it lacks the ability to proceed with an investigation, or because it is determined by the Title IX Coordinator, in consultation with the investigator that there is no basis to proceed.

**Sanctions and Protective Measures Sanctions:** Sanctions that may be imposed if a finding is made that sexual misconduct has occurred include, but are not limited to, suspension, expulsion of student(s) or termination from university employment. Additionally, the investigator and/or the hearing officer may recommend education and training, and/or remedial measures such as separation of the parties. If the accused is a student, any disciplinary action shall be processed through the Dean of Students Office. If the accused is an employee, such employee may challenge any determination and/or the sanctions imposed through the applicable grievance procedure.

**Right of Appeal:** The student bringing a complaint of sexual misconduct, domestic violence, dating violence, or stalking, and the accused student shall each be afforded one single opportunity to appeal decisions by the investigator, to the Vice President of Academic and Student Services or his/her designee.

### **Notification of Findings**

The investigation will result in a written report which shall state the allegations and the issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination as to whether the complaint has been substantiated and whether university policy has been violated. The standard to be employed for complaints of sexual misconduct of any type shall be by a preponderance of the evidence, (e.g. is it more likely than not that the alleged misconduct occurred.) The report shall be referred to the Office of the Dean of Students. (if the accused is a student) or the

V.P. of Human Resources or his/her designee (if the accused is an employee). In consultation with the Title IX Coordinator, disciplinary measures shall be considered by the Office of the Dean of Students or the Vice President of Human Resources, as appropriate. Upon completion of the investigation and a written request, the summary shall be disclosed to the victim outlining disciplinary proceedings by the institute of the alleged perpetrator. If the alleged victim is deceased the next of kin shall be treated as the victim and entitled to the above, outlined summary disciplinary findings.

### **Sex Offender Registration**

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

In New Jersey certain convicted sexual offenders by court order must register with the NJIT Department of Public Safety.

Based on conviction status of offender, the Essex County Prosecutor's Office notifies the Department of Public Safety when a convicted offender will be attending or working at NJIT. Additionally, the convicted offender is advised by the courts to register with the Department of Public Safety. Those offenders who fail to register as required are charged accordingly at the discretion of the Essex County Prosecutor's Office.