



**FAIRLEIGH  
DICKINSON  
UNIVERSITY**

**Fairleigh Dickinson University  
Department of Public Safety**



**ANNUAL SECURITY AND FIRE SAFETY  
REPORT**

**METROPOLITAN CAMPUS**

**2024**

## Table of Contents

<b>About the Campus Public Safety Department</b> .....	<b>4</b>
Safety is Our Number One Priority.....	5
Working Relationships with Local, State and Federal Law Enforcement Agencies..	5
Crimes Involving Student Organizations at Non-Campus Locations.....	5
<b>Reporting Crimes and Other Emergencies</b> .....	<b>5</b>
Confidential Reporting.....	6
Reporting to Campus Public Safety.....	6
Emergency Telephones.....	6
Reporting to Other Campus Security Authorities.....	6
Pastoral and Professional Counselors.....	6
<b>Campus Daily Crime and Fire Log</b> .....	<b>7</b>
<b>Emergency Management at Fairleigh Dickinson University</b> .....	<b>7</b>
<b>Timely Warnings</b> .....	<b>8</b>
<b>Emergency Response and Evacuations</b> ....	<b>8</b>
Designated Staging Areas for Emergency Evacuations.....	9
Evacuation and Relocation.....	10
Drills, Exercises and Training.....	10
<b>Emergency Notification</b> .....	<b>10</b>
<b>Security of and Access to Facilities</b> .....	<b>12</b>
Special Considerations for Residence Hall Access.....	12
<b>Fairleigh Dickinson University’s Response to Sexual and Gender Violence</b> .....	<b>12</b>
Definitions.....	13
Consent.....	13

Sexual Assault.....	14
New Jersey Criminal Statute – Sexual Assault.....	15
Lewdness.....	17
Domestic Violence.....	17
Dating Violence.....	18
Stalking.....	18
<b>Reporting an Incident</b> .....	<b>20</b>
<b>University Procedures for Responding to Reports of Sexual Assault, Domestic Violence, Dating Violence and Stalking</b> ..	<b>21</b>
Supportive Measures.....	22
Emergency Removals.....	22
<b>Procedures for Reports of Title IX Sex Discrimination Against an Employee or Student</b> .....	<b>23</b>
Written Notice.....	23
Dismissal of a Complaint.....	24
Informal Resolution.....	25
Formal Investigation.....	26
Procedure for Live Hearing.....	27
Determination.....	30
Appeals.....	31
Disciplinary Sanctions and Remedies....	32
<b>Procedures for Reports of Non-Title IX Discrimination Against an Employee or Student</b> .....	<b>33</b>
Balancing Agency and Autonomy with Campus Safety Obligations.....	34
Support Person and Advisor.....	35
Informal Resolution.....	35
Investigation and Formal Resolution.....	36
Sanctions.....	39
Appeals.....	40

<b>New Jersey Campus Sexual Assault Victim’s Bill of Rights</b> .....	<b>41</b>
<b>Privacy and Confidentiality</b> .....	<b>42</b>
<b>Additional Resources</b> .....	<b>43</b>
On-Campus Resources .....	43
Off-Campus Resources .....	44
National Resources.....	44
<b>Education Programs</b> .....	<b>44</b>
<b>Bystander Intervention and Risk Reduction</b> .....	<b>46</b>
<b>Sex Offender Registration – Campus Sex Crimes Prevention Act</b> .....	<b>48</b>
<b>Campus Security Policies, Crime Prevention and Security Awareness</b> .....	<b>48</b>
<b>Behavioral Intervention Team</b> .....	<b>49</b>
<b>Weapons Policy</b> .....	<b>49</b>
<b>Fairleigh Dickinson University Student Code of Conduct</b> .....	<b>49</b>
<b>Missing Student Notification Policy</b> .....	<b>49</b>
Dean of Students Information to Resident Students .....	49
Department of Public Safety .....	50
Notification Procedure .....	50
Campus Communication .....	50
<b>Drugs and Alcohol</b> .....	<b>51</b>
General Requirements of the Drug-Free Schools & Communities Act: Amendments of 1989 .....	51
University Policy and Procedures on Alcohol and Other Drugs .....	51
Abuse Prevention .....	52
Health Risks and Consequences.....	56
Controlled Dangerous Substances.....	57
State and Federal Sanctions.....	57
<b>Annual Disclosure of Crime Statistics</b> ....	<b>59</b>
Definitions.....	59

Categories of Prejudice .....	60
Definitions of Clery Act Locations .....	61
<b>Crime Statistics: Clery Data</b> .....	<b>61</b>
<b>Annual Fire Safety Report</b> .....	<b>63</b>
Definitions.....	63
Fire Safety .....	63
Residence Hall Fire Safety Systems.....	63
Residence Hall Fire Drills and Evacuation Policy.....	64
When a fire alarm sounds.....	64
Specific Fire Prevention Related Policies .....	64
Fire Safety Education and Training Programs for Students and Employees...	66
Plans for Future Improvements in Fire Safety.....	66
<b>2021/2022/2023 Fire Statistics for On-Campus Housing Facilities</b> .....	<b>67</b>
<b>A Final Word</b> .....	<b>67</b>



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

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

The Clery Act requires colleges and universities to:

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

Fairleigh Dickinson University Metropolitan Campus Department of Public Safety is responsible for the preparation and

distribution of this report for the campus. This report is also available on the Fairleigh Dickinson University website at [www.fdu.edu](http://www.fdu.edu). Members of the Metropolitan Campus community are sent a notice that describes the report and the web address. For a paper copy of the report, contact the Department of Public Safety at 201-692-2222 or email [metro-publicsafety@fdu.edu](mailto:metro-publicsafety@fdu.edu).

The University Director of Public Safety is responsible to obtain, review and report all the needed aspects of the annual report. Crime statistics from the required geographical areas to Fairleigh Dickinson University Metropolitan Campus from local law enforcement jurisdictions are requested as required.

## **ABOUT THE CAMPUS PUBLIC SAFETY DEPARTMENT**

The safety and security of the campus and campus community members are the responsibilities of the Department of Public Safety. The department, under the direction of the University Director, consists of 26 full-time staff members. Public Safety personnel patrol the campus 24 hours a day, 365 days a year. The officers patrol the campus on foot and in motor vehicles. The officers also man the dispatch area and they answer all calls for assistance as well as emergencies.

The Department of Public Safety members are non-sworn university employees who do not have police or arrest powers. These officers enforce university policies. Public Safety officers participate in a 90-day probationary training period. This probationary training provides officers with a basic understanding of campus Public Safety as well as university and department

procedures. In addition, some officers attend advanced training courses either on campus or at local police academies. All officers are trained in basic first aid, CPR and AED.

### ***Safety is our Number One Priority***

The safety and security of all members of the campus community is the number one priority of the Department of Public Safety. While Public Safety patrols the entire campus and ensures that the campus remains safe for all, it is also the responsibility of all members of the campus community to be responsible for their own security and the security of others. Reporting anything suspicious as well as following basic security and safety tips can greatly assist in overall safety and security for all.

### ***Working Relationship with Local, State and Federal Law Enforcement Agencies***

The Fairleigh Dickinson University Department of Public Safety has excellent working relationships with both Teaneck and Hackensack Police and Fire departments as well as county and state agencies. Information is shared between the departments in an effort to maintain a safe campus environment. Local police officers are contracted to work at various university events throughout the year. All serious matters are promptly reported to the local police. At the request of any victim, the Department of Public Safety will provide assistance by contacting the local police. In all cases, a report will also be maintained at the Department of Public Safety office.

### ***Crimes Involving Student Organizations at Non-Campus Locations***

The Metropolitan Campus does not own any non-campus buildings or housing for student organizations. Whenever there are certain university sponsored events off campus and the university provides transportation to the event by either van or bus, the Department of Public Safety may have officer(s) attend the event to monitor and provide security. The Department of Public Safety, through close working relationships with local law enforcement, also deals with crimes and other serious incidents which occur off campus that may involve a Metropolitan Campus student. The Department of Public Safety will promptly act on any information that is received from an outside agency concerning members of the Fairleigh Dickinson University community and will conduct an investigation on information received. Findings of that investigation concerning student misconduct will be forwarded to the appropriate campus office, Dean of Students, for any disciplinary action. This includes any students engaged at non-campus locations of student organizations officially recognized by Fairleigh Dickinson University, as well as any student organizations with non-campus housing facilities.

## **REPORTING CRIMES AND OTHER EMERGENCIES**

All crimes and emergencies that occur on campus should be reported immediately to the Department of Public Safety. The policies of Fairleigh Dickinson University Metropolitan Campus, which are enforced by the Department of Public Safety, are made known to students, faculty and staff

either through the Employee Handbook or the Student Handbook.

### ***Confidential Reporting***

Any member of the campus community may report violations of the law or other matters of concern using the “Silent Knight” witness form on the Metropolitan Campus Department of Public Safety website. All reports received will be investigated. In addition, both Teaneck Police and Hackensack Police have an anonymous telephone reporting Crime Stoppers Tip Line. The tip line can be reached at the following numbers: Teaneck Police 201-833-4222 and Hackensack Police at 201-488-4222.

### ***Reporting to Campus Public Safety***

To report any crime, emergency or campus violation, call the Department of Public Safety at 201-692-2222 or come to the Department of Public Safety at 870 River Road in Teaneck. Whenever making a report, please provide a full account of the type of incident, who was involved, what type of incident it was, where it took place, when it took place and why it may have occurred. Also try to provide witnesses or descriptions. In any instance where you witness any serious crime, emergency or other safety or life-threatening situation, please call 911. Do not call 911 unless an immediate and true emergency exists.

### ***Emergency Telephones***

In this day and age, most individuals have cell phones which can be used to contact Public Safety or 911. In the event that an individual does not have a cell phone or is in need of immediate contact with Public Safety, there are numerous emergency telephones located strategically around the

campus, on the exterior of academic buildings and Residence Halls. The academic building emergency telephones are silver in color with a blue strobe light that activates when emergency button is pushed. The connection is made directly to Public Safety. The emergency telephones in the Residence Halls are yellow and they also connect directly to Public Safety.

### ***Reporting to Other Campus Security Authorities***

The Clery Act requires that persons designated as “Campus Security Authorities” notify the institution about crimes they have learned about from persons believed to be acting in good faith. At the Metropolitan Campus of Fairleigh Dickinson University, “Campus Security Authorities” must report these crimes to the Director of Public Safety. Under the Clery Act, “Campus Security Authorities” include Public Safety personnel and staff members who have “significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings”. Exceeding the requirements of the Clery Act, Fairleigh Dickinson University has deemed all employees as Campus Security Authorities.

### ***Pastoral and Professional Counselors***

Campus Professional Counselors and Campus Pastoral Counselors, when acting as such, are not considered to be “Campus Security Authorities” and are not required to report crimes to be included in the annual report of crime statistics. As part of the Fairleigh Dickinson University policy, these persons are encouraged to inform persons being counseled of all the procedures in place to report crimes on a voluntary basis to

be included in the annual report of crime statistics. Fairleigh Dickinson University also encourages Professional Counselors and Pastoral Counselors to report all crimes which they become aware of. This can be done without identifying any of the individuals involved if they wish to remain anonymous, but it makes other members of the campus community aware of the crime.

The Clery Act defines counselors as follows:

*Professional Counselor:* An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning in the scope of his/her license or certification. At Fairleigh Dickinson University Metropolitan Campus, this means all counselors employed in or working on behalf of the Office of Mental and Emotional Wellbeing.

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

## **CAMPUS DAILY CRIME AND FIRE LOG**

The Clery Act requires that the campus maintain a daily Crime and Fire log covering the most recent 60-day period. The Metropolitan Campus daily Crime and Fire log is located in the Department of Public Safety and is available for viewing 24 hours

a day, 365 days a year. The log contains information about the nature of a reported crime, the date and time reported, the general location, and the disposition of the incident. All crimes and fires, not just Clery Act reportable crimes, are entered into the log. Log entries must be made within two business days of the report being made to the Department of Public Safety.

There are two exceptions when entries are excluded from the log, the first when the disclosure is prohibited by law and the second if the disclosure would jeopardize the confidentiality of the victim. There are also four cases where information may be temporarily withheld from the log. This withholding can only take place when there is clear and convincing evidence that the release of the information would either (1) jeopardize an ongoing investigation; (2) jeopardize the safety of an individual; (3) cause a suspect to flee or evade detection; or (4) result in the destruction of evidence.

Any requests for information past the current 60-day period will be provided within two business days.

## **EMERGENCY MANAGEMENT AT FAIRLEIGH DICKINSON UNIVERSITY**

The university has an Emergency Management Team and Emergency Operations Plan. The EOP provides the framework to structure the response and resources of Fairleigh Dickinson University academic and administrative community to any emergency incident affecting Fairleigh Dickinson University. The Department of Public Safety activates the EOP when an emergency affecting Fairleigh Dickinson

University reaches proportions that cannot be handled by established measures. This emergency may be sudden and unforeseen, or there may be varying periods of warning. Fairleigh Dickinson University intends that the EOP to be sufficiently flexible to accommodate contingencies of all types, magnitudes and duration. Our priorities are:

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

## TIMELY WARNINGS

Anytime that a serious situation arises either on campus or in the immediate area of the campus that in the judgment of the University Director of Public Safety in consultation with other members of the University Emergency Management Team poses an ongoing or continuing threat to the campus community, a campus "Timely Warning" will be issued. This warning will be issued through the FDU Alert system, which is Send Word Now and is sent by text message, voice mail or telephone notification, e-mail, posted on the University website, posted notices, and direct contact with individuals. In certain incidents, a timely warning may not be sent out if the local police feel it may compromise an ongoing investigation.

## EMERGENCY RESPONSE AND EVACUATIONS

Emergency evacuation may be required when there is an actual or potential danger to the occupants of any building as a result of fire or other emergency situation.

When a fire alarm is sounded or an emergency evacuation is declared, all occupants must leave the building(s) through the nearest exit and proceed immediately to the designated staging area and remain a minimum of 50 feet away from any building. When you leave, you should take all belongings with you. Do not use elevators during the evacuation process.

Department of Public Safety personnel, local police and/or fire department personnel will direct the evacuation. All roadways and walkways must remain clear for emergency vehicles. You are to remain at the designated staging area until the local authorities allow entry back into the building(s) or you are directed to a different location.



Below is a listing of the designated staging areas for all Metropolitan Campus buildings.



## DESIGNATED STAGING AREAS FOR EMERGENCY EVACUATIONS

BUILDING	STAGING AREA
Alumni Hall	Walkway/Grass Area by University Hall
Bancroft Hall	Fitness Center Rear Plaza
Becton Hall	Southside Grass Area
Chapel	Front of Student Union Building
Dean of Students House	Front of Student Union Building
Dickinson Hall	North side by Pedestrian Bridge
EOF House	Front of Student Union Building
Field House	Southeast Section of Parking Lot
Fitness Center	Grass Area in University Circle
Foreign Language House	South Parking Lot
PLCPA House	South Parking Lot
International Student Services	Front of Student Union Building
Kron Building	Grass Area in University Circle
Library	Grass Area in Front
Linden 1	South Parking Lot
Linden 2	South Parking Lot
Linden 3	South Parking Lot
Linden 4	Rear of Student Union Building
Linden 5	Rear of Student Union Building
Linden 6	Rear of Student Union Building
Linden 7	Rear of Student Union Building
Linden 8	Rear of Student Union Building
Muscarella	Alumni Hall Loading Dock Area
North Pointe Residence Hall	Fitness Center Rear Plaza
Purchasing	Northwest section of Field House Parking Lot
Residence Life	Front of Student Union Building
Residence Life Director's House	South Parking Lot
River House	Lone Pine Parking Lot
Robison Hall	Alumni Hall Loading Dock
Robison Annex	Fitness Center Rear Plaza
Rothman Center	Grass Area Rear of Dickinson Hall
Student Counseling	Grass Area South of Becton Hall
Student Union Building	Student Union Parking Lot
Temple Avenue 131	Parking Lot of 139 Temple Avenue
Temple Avenue 139	Parking Lot of 131 Temple Avenue
University Court 1	Lone Pine Parking Lot
University Court 2	Lone Pine Parking Lot
University Court 3	Lone Pine Parking Lot
University Court 4	Lone Pine Parking Lot
University Court 5	Lone Pine Parking Lot
University Court 6	Lone Pine Parking Lot
University Court 7	Grass Area South of Becton Hall
University Court 8	Grass Area South of Becton Hall
University Court 9	Grass Area South of Becton Hall
University Court 10	Grass Area South of Becton Hall
University Hall	Grass Area Front of Library
Williams Hall	Grass Area in University Circle
Woodridge Avenue 1	Parking Lot of 10 Woodridge Avenue
Woodridge Avenue 10	Grass Area by 1 Woodridge Avenue

## ***Evacuation and Relocation***

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

A summary of Fairleigh Dickinson University emergency response procedures is located at <https://www.fdu.edu/campuses/metropolitan-campus/public-safety/emergency-management/>.

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

## ***Drills, Exercises and Training***

To ensure that the Fairleigh Dickinson University emergency management plan remains current and actionable, Fairleigh Dickinson University will conduct an

emergency management exercise, at a minimum, once per year. The scenarios for these exercises change from year to year and include several departments from across the campus. These exercises may include tabletop drills, emergency operation center exercises or full-scale emergency response exercises. Fairleigh Dickinson University conducts after action reviews of all emergency management exercises.

## **EMERGENCY NOTIFICATION**

Fairleigh Dickinson University is committed to ensuring the campus community receives timely, accurate and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. Fairleigh Dickinson University tests the emergency notification system components once every semester. During these tests, Fairleigh Dickinson University activates text, voice and email messages. In the event of a situation that poses an immediate threat to members of the campus community, Fairleigh Dickinson University has various systems in place for communicating information quickly. Authorized senders may activate the FDU Alert system and will use some or all of the methods of communicating in an event of an emergency notification for all or a segment of the campus community.

Messages may direct individuals to evacuate, shelter in place, stay away from an area or contain other information pertinent to the situation. We will send follow up messages that might say; continue to shelter in place or provide other pertinent information. In all cases, Fairleigh Dickinson University will provide an “all

clear” or “end of incident” message when the incident is no longer a danger.

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

The University Director of Public Safety in conjunction with other members of the University Emergency Management Team will immediately initiate all or some portions of the Fairleigh Dickinson University emergency notification system. If in the judgement of the University Director of Public Safety and the local first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, Fairleigh Dickinson University may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, Fairleigh Dickinson University will issue the emergency notification to the campus community. The University Director of the Department of Public Safety and other members of the University Emergency Management Team will determine what segment or segments of Fairleigh Dickinson University should receive the notification. Generally, campus community members in the immediate area of the dangerous situation will receive

notification first. Fairleigh Dickinson University may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued by FDU Alert, mass notification system, Fairleigh Dickinson University will also post applicable messages about the dangerous condition on the Fairleigh Dickinson University website home page. This way all members of the campus are aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of the entire campus, Fairleigh Dickinson University will distribute the notification to the entire campus community.

The University Director of Public Safety in concert with other members of the University Emergency Management Team, Public Relations and local first responders will determine the contents of the notification. Fairleigh Dickinson University has developed a wide range of template messages addressing several different emergencies. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In cases where there is no template message in the system, the individual authorizing the alert will develop the message to convey appropriate information to the campus community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

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

campus. Such information would have to be provided by another agency or an emergency notification released by the supplying agency.

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

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

## SECURITY OF AND ACCESS TO FACILITIES

Campus academic buildings are generally open from 7AM-11PM, Monday through Friday. Office buildings are generally open from 9AM-5PM, Monday through Friday. Access to any building after hours and on weekends is limited unless there are classes or other authorized functions being held. Public Safety does checks of all buildings. University identification must be provided upon request and authorization to enter any building must be documented and on file. The only exception will be any event that is open to the public.

### *Special Considerations for Residence Hall Access*

Residence Halls are locked 24 hours a day and only open to students registered to live in the building and any guest they have registered.

## FAIRLEIGH DICKINSON UNIVERSITY'S RESPONSE TO SEXUAL AND GENDER VIOLENCE

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

For a complete copy of the University’s policy governing sexual harassment, to include sexual violence, visit <https://www.fdu.edu/wp-content/uploads/2024/07/2024-Title-IX-Sex-Discrimination-Policy-and-Grievance-Procedures.pdf>. The policy applies to all employees and students of FDU as well as third parties.

To report an incident of sexual misconduct, you can call, write or visit FDU's Title IX Coordinator:

Steve Nelson  
Associate VP for Administrative Operations  
& University Title IX and Anti-  
Discrimination Coordinator  
snelson@fdu.edu  
(201) 692-2466  
Dickinson Hall, Room 3312,  
Mail Code: H-DH-311  
1000 River Road  
Teaneck, NJ 07666

## DEFINITIONS

### *Consent*

Consent is not defined in New Jersey criminal law. Fairleigh Dickinson University defines consent as the communication of an affirmative, conscious and freely made decision by each participant to engage in agreed upon forms of sexual activity. Consent requires an outward demonstration, through understandable words or actions that convey a clear willingness to engage in a specific form of sexual activity. Consent to sexual activity on one occasion is not Consent to engage in sexual activity on another occasion. A person who has given Consent to engage in sexual activity may withdraw Consent, through understandable words or actions that clearly convey a party is no longer willing to engage in sexual activity, at any time. Once Consent is withdrawn, the sexual activity must cease immediately.

Consent is not to be inferred from silence, passivity, or a lack of resistance. Relying on nonverbal communication alone may result in a violation of this Policy. For example, a person who does not physically resist or

verbally refuse sexual activity may not necessarily be giving Consent. There is no requirement that an individual verbally or physically resist unwelcome sexual activity for there to be a violation of this Policy.

Consent is not to be inferred from an existing or previous dating or sexual relationship. Even in the context of a relationship, there must be mutual Consent to engage in sexual activity. Consent to one form of sexual activity does not constitute Consent to any other form of sexual activity, nor does Consent to sexual activity with one person constitute Consent to sexual activity with any other person.

Consent cannot be obtained by Coercion or Force or by taking advantage of the Incapacitation of another person. Coercion or Force and Incapacitation are described in more detail below.

*Coercion or Force:* Coercion or Force includes conduct, intimidation, and express or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that is employed to persuade or compel someone to engage in sexual activity. Examples of Coercion or Force include conditioning an academic benefit or employment advantage on submission to the sexual activity; threatening to harm oneself if the other party does not engage in sexual activity; or threatening to disclose an individual's sexual orientation, gender identity, gender expression, or other personal sensitive information if the other party does not engage in the sexual activity.

*Incapacitation:* An individual who is incapacitated is unable to give Consent to sexual activity. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the

individual is unaware that sexual activity is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual activity. Alcohol or drug use is one of the prime causes of Incapacitation. Where alcohol or drug use is involved, Incapacitation is a state beyond intoxication, impairment in judgment, or “drunkenness”. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:

- Making decisions about the potential consequences of sexual activity;
- Appraising the nature of one’s own conduct;
- Communicating Consent to sexual activity; or
- Communicating unwillingness to engage in sexual activity.

In evaluating Incapacitation, FDU will consider whether the Respondent knew that the Complainant was incapacitated based on articulable and objective facts and circumstances, and if not, whether a sober, reasonable person in the same position and under the same circumstances would have known that the Complainant was Incapacitated.

*Additional Guidance about the Impact of Alcohol or Other Drugs on Consent:* Where an individual’s level of impairment does not rise to Incapacitation, FDU will still consider the impact of intoxication on Consent. In evaluating whether Consent was sought or given, the following factors may be relevant:

- Intoxication may impact one’s ability to give Consent and may lead to

Incapacitation (the inability to give Consent);

- A person’s level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness or emotional volatility;
- An individual’s level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism.

No matter the level of an individual’s intoxication, if that individual has not affirmatively agreed to engage in sexual activity, there is no Consent. Anyone engaging in sexual activity must be aware of both their own and the other person’s level of intoxication and capacity to give Consent. The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether Consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or the other individual’s intoxication or Incapacitation, the safest course of action is to forgo or cease any sexual activity. A Respondent’s intoxication is never an excuse for or a defense to committing prohibited conduct and it does not diminish one’s responsibility to obtain Consent.

## ***Sexual Assault***

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

instances where the victim is incapable of giving consent.

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

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

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

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

### *New Jersey Criminal Statute - Sexual Assault*

#### **2C:14-1 Definitions**

- "Actor" means a person accused of an offense proscribed under this act;
- "Victim" means a person alleging to have been subjected to offenses proscribed by this act;
- "Sexual Penetration" means vaginal intercourse, cunnilingus, fellatio, or anal intercourse between persons or insertion of the hand, finger, or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant to the question of commission of the crime;
- "Sexual Contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;
- "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 provided 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 of 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 in this chapter shall refer to those acts which are defined as criminal coercion in New Jersey Criminal Justice Code section 2C: 13-5(1), (2), (3), (4), (6) and (7).

### **2C: 14-2a Sexual Assault**

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

- The victim is less than 13 years old.
- The victim is at least 13 but less than 16 years old; and
- The actor is related to the victim by blood or affinity to the third degree; or the actor has supervisory or disciplinary power over the victim; or the actor is a foster parent, a guardian, or stands in loco parentis within the household;
- The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson, or criminal escape;
- The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
- The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
- The actor uses physical force or coercion and severe personal injury is sustained by the victim;
- The victim is one whom the actor knew or should have known was physically helpless, mentally defective or mentally incapacitated.

### **Aggravated sexual assault is a crime of the first degree. - 2C: 14-2b,c Sexual Assault**

An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least 4 years older than the victim.

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

- The actor uses physical force or coercion, but the victim does not sustain severe personal injury;
- The victim is one whom the actor knew or should have known was physically helpless, mentally defective, or mentally incapacitated;
- 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;
- The victim is at least 16 but less than 18 years old and:
  - The actor is related to the victim by blood or affinity to the third degree; or
  - The actor has supervisory or disciplinary power over the victim; or
  - The actor is a foster parent, a guardian, or stands in loco parentis within the household;
- The victim is at least 13 but less than 16 years old and the actor is at least 4 years older than the victim.

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

An actor is guilty of aggravated criminal sexual contact if he commits an act of sexual



contact with the victim under any circumstances set forth in 2C:14-2a (2) through (6) - See above.

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

An actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in 2C:14-2a (1) through (5) - See above.

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

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

A person commits a crime of the fourth degree if:

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

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

## **Domestic Violence**

The term "domestic violence" means:

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

### **NJ criminal law also defines and prohibits domestic violence**

Victim of Domestic Violence means a person protected by the domestic violence act and includes 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:
  - spouse

- former spouse
- any other person who is a present or former household member, Or
- Who, regardless of age, has been subjected to domestic violence by a person:
  - with whom the victim has a child in common, or
  - with whom the victim anticipates having a child in common, if one of the parties is pregnant, Or
- Who, regardless of age, has been subjected to domestic violence by a person with whom the victim has had a dating relationship.
  - A victim may be below the age of 18.
  - The domestic violence assailant must be over the age of 18 or emancipated at the time of the offense.

### **Dating Violence**

The term “dating violence” means violence committed by a person

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

For the purposes of this definition-

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

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

### **Dating Relationship Defined in NJ criminal law**

- A victim of a dating relationship may be below the age of 18.
- The domestic violence assailant must be over the age of 18 or emancipated at the time of the offense.
- The New Jersey law does not list any criteria by which an officer can determine what is and what is not a dating relationship. This provision should be liberally construed. If the officer is in doubt about a particular relationship, the officer should review the matter with the officer’s supervisor, the department’s legal advisor or the on-call judge.

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

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

### **Stalking**

The term “stalking” means

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - fear for the person’s safety or the safety of others; or

- Suffer substantial emotional distress.
- For the purposes of this definition—
  - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

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

**NJ criminal law stalking definition**

As used in this act:

- "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering with a person's property; repeatedly committing harassment against a

person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.

- "Repeatedly" means on two or more occasions.
- "Emotional distress" means significant mental suffering or distress.
- "Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.

A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.

A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.

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

A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state or the United States.

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

## REPORTING AN INCIDENT

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

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible at Holy Name Hospital or Hackensack University Medical Center.

- Holy Name Hospital  
718 Teaneck Road  
Teaneck, NJ 07666  
201-833-3000
- Hackensack Univ. Med. Ctr.  
30 Prospect Avenue  
Hackensack, NJ 07601  
201-996-2000

In New Jersey, evidence may be collected even if you chose not to make a report to law enforcement and both hospitals have professionals who are certified Sexual Assault Nurse Examiners (SANE) trained to collect forensic evidence from victims of sexual assault (and do so in a special

confidential setting within the hospital). It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours. This is so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing decisionmakers/investigators or police. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. The local police department to the Metropolitan Campus is the Teaneck Police Department located at 900 Teaneck Road, Teaneck, NJ 07666. They may be contacted by dialing 9-1-1, via their general business line at 201-837-2600, or online at <http://www.teanecknj.gov/Police-Department/>.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to either the Department of Public Safety, the University Title IX Coordinator,

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

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

## **UNIVERSITY PROCEDURES FOR RESPONDING TO REPORTS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING**

Effective August 1, 2024, the University implemented a new Title IX Policy and Grievance Procedures for resolution of reports of sex discrimination, including sex-based harassment, against any University community member pursuant to new federal Title IX regulations. These procedures apply equally to students, faculty, staff members and other individuals participating or attempting to participate in a University education program or activity within the United States. In addition, the University updated its Non-Title IX Prohibited Discrimination, Harassment and Related Misconduct Policy and Procedures to address conduct that falls outside of the Title IX jurisdictional requirements.



Below is a chart describing the different policies which apply depending on the type and location of the misconduct:

Policy	Applicable To
Title IX Sex Discrimination Policy and Grievance Procedures	<p>Reports of Sex-Based Harassment (which includes Sexual Assault, Dating Violence, Domestic Violence, Stalking, Quid Pro Quo and Hostile Environment) and unequal treatment based on Sex, Gender Identity, Sexual Orientation, Sex Stereotypes, Sex Characteristics, Retaliation, and Pregnancy or Related Conditions.</p> <p>Such reports fall under Title IX if the incidents occurred on a NJ campus or at a University owned or controlled location or program within the United States.</p>
Non-Title IX Prohibited Discrimination, Harassment, and Related Misconduct Policy and Procedures	<p>All other reports of sexual misconduct that are not addressed under the Title IX Policy, such as conduct occurring on the Vancouver or Wroxtton campuses. Further this policy covers all forms of Title VII discrimination including but not limited to age, race, religion, disability or veteran status, occurring at all University locations.</p>

Regardless of the type of prohibited conduct or respondent type (student or employee), disciplinary proceedings will provide a prompt, fair and impartial investigation and resolution, conducted by officials who receive annual training on the issues of all covered forms of discrimination and how to conduct an investigation and hearing or adjudication process that protects the safety of survivors and promotes accountability.

The following procedures are applicable to Complainants and Respondents following any report of discrimination.

### *Supportive Measures*

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants or Respondents upon request, when deemed by the Title IX Coordinator or designee to be appropriate and reasonably available. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Coordinator. Supportive Measures are available beginning at any time after reporting conduct that may be reasonably considered sex discrimination or other prohibited conduct.

Supportive Measures are designed to restore or preserve equal access to FDU’s education program or activity, to deter prohibited conduct, or provide support during FDU’s

Title IX grievance procedures, Non-Title IX Prohibited Discrimination procedures, or during an informal resolution process, without unreasonably burdening the other Party. Supportive Measures may be of any duration and may be modified at the discretion of the Title IX Coordinator or designee, as circumstances warrant. Supportive Measures will be kept confidential to the extent doing so does not impair FDU’s ability to provide them.

Supportive Measures may include access to counseling services, course-related adjustments, modification of work or class schedules, restrictions on contact by one or both parties (disengagement/no contact orders), changes in work or housing location, leaves of absence, increased security and monitoring of certain areas, or any measures deemed appropriate to preserve equal access to FDU’s program or activities.

### *Emergency Removals*

If at any point following the receipt of a report of sex discrimination or other prohibited conduct, FDU determines that the Respondent poses an imminent and serious threat to the health or safety of the Complainant or any other person(s), including the Respondent, FDU may temporarily remove the Respondent from any or all of its education program or

activities. The imposition of an Emergency Removal does not suggest a finding of responsibility for any conduct.

Before imposing an Emergency Removal, appropriate FDU resources will undertake an individualized safety and risk analysis concerning the Respondent at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if FDU concludes that the threat to health or safety arises from the allegations of sex discrimination or prohibited conduct and warrants the removal.

An Emergency Removal may involve the denial of access to some or all of FDU's campus facilities, academic programs, or other programs or activities. While FDU may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures do not constitute Emergency Removals.

Separate from the Emergency Removal process, the Title IX Coordinator may request that the Vice President for Human Resources place an employee-Respondent on an administrative leave, with or without pay.

## **PROCEDURES FOR REPORTS OF TITLE IX SEX DISCRIMINATION AGAINST AN EMPLOYEE OR STUDENT**

Upon receipt of notice of an allegation of conduct that may reasonably constitute sex discrimination, the Title IX Coordinator or their designee will promptly contact the

Complainant to discuss the availability of Supportive Measures whether or not initiation of the Grievance Procedures is requested and explain to the Complainant the Grievance Procedures process. A Complainant's wishes with respect to whether the University begins an investigation will be respected unless the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its education program or activity. If such a fact-based determination is made, the Title IX Coordinator may initiate the Grievance Procedures.

### ***Written Notice***

Upon initiation of the Title IX Grievance Procedures, FDU will notify the Parties in writing of the following with sufficient time for the Parties to prepare a response before any initial interview:

- FDU's Title IX Sex Discrimination Policy and Grievance Procedures;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- That retaliation is prohibited;
- The Respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the Parties will have an opportunity to present relevant and not otherwise impermissible

evidence to a trained, impartial decisionmaker;

- The Parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The identity of the Investigator(s) as described in Section XVI;
- The Parties are entitled to an investigative report that accurately summarizes the relevant and not otherwise impermissible evidence and an equal opportunity to access this evidence upon the request of any Party;
- Notice that FDU’s policies prohibit knowingly making false statements or knowingly submitting false information in connection with or during the Grievance Procedures or informal resolution process.

If, in the course of an investigation, FDU decides to investigate additional allegations of sex discrimination by the Respondent toward the Complainant that are not included in the Written Notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the Parties.

### *Dismissal of a Complaint*

FDU may dismiss a complaint if:

- FDU is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in FDU’s education program or activity and is not employed by FDU;
- FDU obtains the Complainant’s voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and FDU determines that,

without the Complainant’s withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute sex discrimination under Title IX even if proven; or

- FDU determines the conduct alleged in the Complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the Complaint, FDU will make reasonable efforts to clarify the allegations with the Complainant.

Upon dismissal, FDU will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then FDU will notify the Parties simultaneously in writing. The notice will also advise the Parties whether the complaint(s) will proceed as possible under separate FDU policies.

FDU will notify the Complainant that a dismissal may be appealed on the bases outlined in the Policy. If dismissal occurs after the Respondent has been notified of the allegations, then FDU will also notify the Respondent that the dismissal may be appealed on the same bases. The decision whether the matter will proceed as a potential violation of other FDU policies, including the Non-Title IX Prohibited Discrimination, Harassment and Related Misconduct Policy and Procedures, is not subject to appeal.

When a Complaint is dismissed, FDU will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and



- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within FDU’s education program or activity.

### *Informal Resolution*

In lieu of resolving a complaint through FDU’s Title IX grievance procedures, FDU may offer the Parties the option to participate in a voluntary Informal Resolution process at any point prior to the conclusion of a Hearing under the Grievance Procedures. FDU will inform the parties in writing of any informal resolution process it offers and determines is appropriate on a case-by-case basis. FDU will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law, or which includes allegations of sex-based harassment of an elementary or secondary school student.

FDU has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the Parties’ wishes. Circumstances when FDU may decline to allow informal resolution include but are not limited to when FDU determines that the alleged conduct would present a future risk of harm to others.

FDU will not require or pressure the Parties to participate in an informal resolution process. FDU must obtain the parties’ voluntary consent to the informal resolution process and will not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.

The Informal Resolution process is conducted by a Facilitator appointed by the Title IX Coordinator. The Complainant, Respondent, Title IX Coordinator or Facilitator may terminate the Informal Resolution process at any time prior to its completion.

FDU’s Informal Resolution process is a mediation process. Mediation may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the conduct which may be reasonably considered sex discrimination by the Respondent.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent.

Unless otherwise communicated in writing by the Informal Resolution Facilitator or other authorized representative of FDU to both the Complainant and the Respondent before the commencement of an Informal Resolution process, or as otherwise may be required by applicable law, the outcome of Informal Resolution will not:

- Constitute a disciplinary outcome to be reported to third parties (e.g., in connection with graduate school applications, reference checks, etc.); and
- Be taken into consideration in the event of future findings of responsibility for sex discrimination or other violations of FDU’s policies.

## *Formal Investigation*

FDU will provide for adequate, reliable, and impartial investigation of Complaints when the Grievance Procedures are requested to be initiated. The burden is on FDU – not the Parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The written notice described above will identify the appointed Investigator. Either Party may object to the Investigator on the grounds of conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Coordinator in writing within three business days of receipt of the issuance of the written notice. The Title IX Coordinator, in their sole discretion, shall determine whether a different Investigator should be appointed.

FDU will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.

FDU will provide the Parties with the same opportunities to be accompanied to any meeting or proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney.

- FDU has non-attorney, no-charge, Advisors available should either Party wish to utilize them, but Parties are not required to do so.
- FDU will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding.
- FDU may establish restriction regarding the extent to which the

Advisor may participate in these Grievance Procedures, as long as the restrictions apply equally to the Parties.

Parties may also be accompanied by one additional support person at all meetings (e.g., emotional support, union representative, etc.). However, both Parties must agree to waive their FERPA rights as to this additional person's presence. If no such waiver is given, the additional person will not be permitted to attend any meetings related to the Grievance Procedures.

The Investigator will conduct an investigation of the allegations and is responsible for interviewing the Parties and witnesses and gathering relevant and not otherwise impermissible inculpatory and exculpatory evidence. The Investigator may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator obtains the Complainant's or Respondent's, as appropriate, voluntary written consent to do so.

FDU will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. FDU will review all evidence gathered throughout the investigation and determine what evidence is relevant and what evidence is impermissible regardless of the relevance.

The Investigator may contact any law enforcement agency that is conducting its own investigation to ascertain the status of that investigation; and to determine the extent to which any evidence collected by

law enforcement may be available to FDU in its investigation. At the request of law enforcement, the Investigator may delay the FDU investigation temporarily while an external law enforcement agency is gathering evidence. If the FDU investigation is temporarily delayed, the Investigator will promptly resume the FDU investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation. In the event that the evidence-gathering stage of a criminal investigation become unreasonably long, FDU may decide to move forward even while the criminal investigation is continuing.

FDU will provide each Party and the Party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- FDU will provide both Parties the same written investigative report that accurately summarizes the evidence. FDU will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- FDU will provide a reasonable opportunity to review the evidence or the investigative report in advance of the live hearing. Both Parties will have an equal opportunity to respond to this evidence during the live hearing;
- FDU will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the sex discrimination Grievance Procedures.

### *Procedure for Live Hearing*

Hearings are governed by the procedures set forth below. The formal Rules of Evidence that may apply to any courtroom proceeding do not apply to Hearings conducted under this Policy.

Except as provided in this paragraph, the only individuals who may appear at a Hearing are the Complainant and Advisor, Respondent and Advisor, the one additional previously approved support person for both the Complainant and Respondent if applicable, and witnesses called by the Decisionmaker. The Parties, Advisors, and previously approved support persons may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Decisionmaker. Witnesses are permitted to be present only when providing testimony. The Investigator and Title IX Coordinator may be present throughout the Hearing as may other FDU representatives at the discretion of the Decisionmaker. If a Party fails to attend a Hearing, the Hearing may be held in that Party's absence, at the discretion of the Decisionmaker.

#### **A. Witnesses**

At least five business days before the Hearing, the Decisionmaker will advise the Parties which witnesses will be requested to provide testimony at the Hearing. No later than two business days after such notice, the Parties may request that additional witnesses be requested to be present at the Hearing. The request must be submitted to the Decisionmaker in writing, including a brief description of why the information is relevant to the determination of whether sex discrimination occurred. Whether or not to approve such requests as potentially providing relevant and not otherwise impermissible information shall be in the

sole discretion of the Decisionmaker, who will advise the requesting Party of the final decision. If the request is approved, the Decisionmaker will advise the other Party of the additional witness's participation.

## **B. Documents**

All documentary evidence provided to the Parties will be made available at the Hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Decisionmaker.

## **C. Relevance**

The Decisionmaker is responsible for making all determinations of relevance as to Witnesses, questions and documentary evidence presented at the Hearing. For purposes of this Policy, questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

Evidence that is not relevant or otherwise impermissible will be excluded at the Hearing and may not form the basis for any decision by the Decisionmaker. Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are impermissible and thus, not relevant, unless such questions and evidence are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant's prior sexual behavior with the Respondent and are offered to prove consent. The fact of prior consensual sexual

conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

## **D. Standard of Proof**

The Decisionmaker will make a determination of whether sex discrimination occurred using a preponderance of the evidence standard of proof. "Preponderance of the evidence" means that it is more likely than not that the Respondent is responsible for the conduct that constituted sex discrimination.

## **E. Advisors at Hearings**

The Parties may be accompanied by their Advisor at the Hearing. The Advisor may not address the Title IX Coordinator, Investigator, Decisionmaker, other Advisors, or any other individuals participating in the Hearing. The only exception is with respect to cross-examination as discussed below. Like the Parties, Advisors are required to adhere to the Rules of Decorum applicable to Hearings, as outlined in Section XVII(G). An Advisor who fails to adhere to the Rules of Decorum may, at the sole discretion of the Decisionmaker, be required to leave the Hearing.

The Parties shall inform the Title IX Coordinator whether they will be accompanied at the hearing by their Advisor of choice by no later than five business days before the Hearing. If a Party has not identified an Advisor, FDU will provide one for the sole purpose of conducting cross-examination as discussed below.

The Decisionmaker, and not the Parties or their Advisors, will conduct direct testimony and cross-examination of the Parties and

witnesses. Cross-examination of witnesses will be conducted through Advisors submitting written questions to the Decisionmaker either before or during the Hearing. The Decisionmaker will review all proposed questions and make a determination of their relevance and permissibility and explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted. The Decisionmaker will give an Advisor an opportunity to clarify or revise a question that the Decisionmaker determines is unclear or harassing. If the Advisor sufficiently clarifies or revises the question, the question will be asked. The Decisionmaker's decision on relevance or permissibility is not subject to challenge or objection during the Hearing.

The Decisionmaker, alone, will pose all submitted relevant and not otherwise impermissible questions to the Parties or witnesses. There will be no verbal cross-examination conducted by the Parties or Advisors at any time. If the Hearing is being conducted in an online platform, questions may be submitted to the Decisionmaker utilizing the private direct messaging feature. Questions posed in a message viewable to all participants will be disallowed as a violation of the Rules of Decorum. If an Advisor is required to leave a Hearing for failure to adhere to the Rules of Decorum or for any other reason, the Decisionmaker may, in their sole discretion, elect to recess the Hearing until a new Advisor may be appointed or may choose to continue the Hearing. If the Hearing continues without the Advisor, and, if permitted by the Decisionmaker at the Decisionmaker's sole discretion, the Party without the Advisor may be permitted to submit cross-examination questions directly

to the Decisionmaker in the manner described above.

Advisors provided by FDU will be adults with an understanding of the purpose of cross-examination but will not necessarily be attorneys or have training commensurate to attorneys with respect to conducting cross-examination.

## **F. Hearing Procedures**

The procedures below provide the general framework for any Hearing. The Title IX Coordinator or Decisionmaker may alter certain procedures as deemed appropriate in their sole discretion to aid in the equitable resolution of the matter.

- Recording

The Hearing will be recorded by means of audio or audiovisual recording if conducted in person, or by use of the recording function of the online platform if conducted virtually. Recesses taken or approved by the Decisionmaker, including for the Decisionmaker to consult with the Title IX Coordinator, Investigator, or any other FDU representative, will not be recorded.

- Opening Statements

Each Party will have the opportunity to make a brief opening statement. The Parties will make any statements themselves, not through their Advisor.

- Parties and Witnesses

Generally, the Decisionmaker will hear from the Complainant and their witnesses first, followed by the Respondent and their

witnesses. Each Party will have the opportunity to provide relevant and not otherwise impermissible evidence to the Decisionmaker. The Decisionmaker may ask relevant questions of each Party and witness, either before, during, or in follow-up to their testimony. After hearing the testimony of a Party or witness, the Decisionmaker will ask any relevant or not otherwise impermissible cross-examination questions submitted by the other Party's Advisor. If a Party or witness does not submit to cross-examination the Decisionmaker may choose to place less or no weight upon statements by that Party or witness. The Decisionmaker will not draw an inference about whether sex discrimination occurred based solely on a Party's or witness's refusal to respond to such questions.

- Closing Statement

Each Party will have the opportunity to make a brief closing statement. The Parties will make any statements themselves, not through their Advisor.

## **G. Rules of Decorum**

The following Rules of Decorum apply to the Parties, Advisors and witnesses participating in any Hearing. Individuals failing to follow the Rules of Decorum may be directed to leave the Hearing at the Decisionmaker's sole discretion. Although the Decisionmaker may provide warnings or reminders of the Rules of Decorum before such removal, a pre-removal warning or reminder will not necessarily be provided

depending on the nature of the conduct in question.

No person participating in the Hearing may act in a disorderly or disruptive manner or otherwise impede the orderly conduct of the Hearing. Interactions must be civil and respectful. All verbal communication by the Parties or Witnesses must be directed toward the Decisionmaker only; Advisors are not permitted to speak on behalf of their Party or themselves during the hearing. Written communication may only take place between an Advisor and the Decisionmaker or between a Party and their Advisor via a private direct message. Cell phones and other electronic devices must be turned off unless being offered as evidence. Other than the recording being made by FDU, no participant may record any portion of the Hearing. The Decisionmaker may establish specific additional rules for a Hearing in the interest of efficiency and orderly progress.

## ***Determination***

Following an investigation and evaluation through the Hearing Process of all relevant and not otherwise impermissible evidence, FDU will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination occurred.
- Within ten business days, notify the Parties simultaneously, in writing, of the determination whether sex

discrimination occurred under Title IX including:

- A description of the allegations that led to the Hearing;
  - Information about the policies and procedures that FDU used to evaluate the allegations;
  - The Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex discrimination occurred;
  - When the Decisionmaker finds that sex discrimination occurred, any disciplinary sanctions FDU will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by FDU to the Complainant, and, to the extent appropriate, other students identified by FDU to be experiencing the effect of the sex discrimination; and
  - FDU's procedures and permissible bases for the Complainant and Respondent to appeal.
- FDU will not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX Grievance Procedures that the Respondent engaged in prohibited sex discrimination.
  - If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
    - Coordinate the provision and implementation of remedies to a Complainant and other people FDU identifies as having had equal access to

FDU's education program or activity limited or denied by sex discrimination;

- Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur with FDU's education program or activity.
- Comply with the Title IX Grievance Procedures before the imposition of any disciplinary sanctions against a Respondent; and
  - Not discipline a Party, witness, or others participating in the Title IX Grievance Procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that FDU provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

### *Appeals*

Either Party may appeal a determination of whether or not sex discrimination occurred as set forth by the Decisionmaker or a Dismissal by submitting a written appeal to the Title IX Coordinator by email within five business days of the notice of the Decisionmaker's determination. The Appeal must be in writing and clearly explain the

basis for the Appeal. Appeals may be based on any of the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; or
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

If a Party appeals a dismissal or determination whether sex discrimination occurred, FDU will:

- Notify the Parties in writing of any Appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement Appeal procedures equally for the Parties;
- Provide the Parties equal access to a record of the hearing or final investigative report upon request;
- Provide the Parties with the identity of the Decisionmaker for the Appeal;
- Ensure that the Decisionmaker for the Appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the Decisionmaker for the Appeal has been trained consistent with the Title IX regulations;
- Communicate to the Parties in writing that FDU will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome within five business days; and

- Notify the Parties in writing of the result of the appeal and the rationale for the result.

## *Disciplinary Sanctions and Remedies*

### **A. Sanctions**

Following a determination that sex discrimination occurred, FDU may impose disciplinary sanctions. The Title IX Coordinator will provide the Decisionmaker with the Respondent's prior conduct record for consideration in the Decisionmaker's assignment of a sanction or sanctions. The range of available sanctions includes:

- Sanctions for students may include any of the sanctions that are available for violations of the University's Student Code of Conduct, including administrative reassignment of housing, campus restrictions, campus standard probation, co-curricular restriction, community restitution, community service, counseling assessment/support, disciplinary reprimand, disengagement notice or no-contact order, educational sanctions, fines, housing dismissal, housing probation, housing suspension, social restriction, University dismissal or University suspension.
- Sanctions for employees may include any of the sanctions that are available for violations of the University's Employee Handbook and Faculty Handbook, including a letter of reprimand being placed in their personnel file, additional training, written letter of apology, suspension (paid or unpaid), dismissal, work schedule modifications, voluntary leave of absences, restrictions on campus



activities, or termination from the University. Sanctions for faculty covered by the Faculty Handbook will be reviewed with the University Provost and/or the University President.

## **B. Remedies**

The Title IX Coordinator is responsible for the implementation of remedies designed to restore or preserve equal access to FDU's education program or activity. While remedies might constitute Supportive Measures, they also might be in the form of sanctions.

## **PROCEDURES FOR REPORTS OF NON-TITLE IX DISCRIMINATION AGAINST AN EMPLOYEE OR STUDENT**

Upon receipt of a report, the University Title IX and Anti-Discrimination Coordinator ("Coordinator") in consultation with the appropriate Response Team members, will conduct an Initial Assessment of the following: the Complainant's immediate and ongoing safety and well-being; the incident or conduct at issue; any risk of harm to the parties, any other individuals, or the broader campus community; the existence of severe, persistent or pervasive conduct, including evidence of a pattern, use of a weapon or other predatory conduct; and the necessity for any Supportive Measures or accommodations.

The first step of the Initial Assessment will usually be a preliminary meeting between the Complainant and the Coordinator or a member of the Response Team. The

Coordinator or member of the Response Team will offer appropriate resources to support the Complainant; inform the Complainant of the importance of seeking medical treatment and emotional support; explain the importance of obtaining and preserving forensic and other evidence; inform the Complainant of the right to contact law enforcement, decline to contact law enforcement, and/or seek a protective order; inform the Complainant about University and community resources, the right to seek appropriate and available supportive measures, and how to request those resources and measures; explain the University's prohibition against Retaliation; and inform the Complainant of the right to file a formal complaint to initiate an investigation and/or disciplinary action.

In the course of the Initial Assessment, the Coordinator and Response Team will consider the interest of the Complainant and the Complainant's expressed preference for manner of resolution, which may include Informal Resolution or the initiation of an investigation to determine if disciplinary action is warranted. The Coordinator, in consultation with the Response Team members will also determine whether the alleged conduct presents a potential violation of this Policy, or another University Policy, and whether further action is warranted based on the alleged conduct and the Complainant's requested course of action.

At the conclusion of the Initial Assessment, the Complainant will receive a written notice of the determination and how to proceed. Depending on the circumstances and requested resolution, the Respondent may or may not be notified of the report or resolution. A Respondent will be notified when the University seeks action that would impact a Respondent, such as Supportive Measures that restrict the Respondent's

movement on campus, the initiation of an investigation or the decision to request the Respondent's involvement in informal resolution.

At any time during the process, after the conclusion of the Initial Assessment, the Coordinator may make a determination that a claim/allegation does not contain any elements that would constitute a violation of this Policy. In order to make such a determination, the Coordinator must view all evidence and all factual inferences reasonably drawn from the evidence. In such event, the Coordinator shall communicate that determination to the Investigator, the Complainant and, if applicable, the Respondent within five (5) business days of making such determination. Such determination shall not preclude a subsequent investigation and possible adjudication of violation of the Employee Handbook or Student Code of Conduct, as appropriate.

### ***Balancing Agency and Autonomy with Campus Safety Obligations***

Where the Complainant requests that their identity not be shared with the Respondent or that the University not pursue an investigation, the University must balance this request with the University's responsibility to provide a safe and non-discriminatory environment for all University community members. The University, through the Coordinator and Response Team, will take all reasonable steps to investigate and respond to the complaint consistent with the request not to share identifying information or pursue an investigation, but its ability to do so may be limited by the request. Under these circumstances, the Complainant's request will be balanced against the following factors:

- The seriousness of the conduct;
- The respective ages and roles of the Complainant and Respondent;
- Whether there have been other complaints or reports of discrimination, harassment or violence under this Policy involving either the Respondent or the Complainant;
- Whether the circumstances suggest there is a risk of the Respondent committing additional acts of Prohibited Conduct;
- Whether the Respondent has a history of arrests or records indicating a history of violence;
- Whether the report indicates the Respondent threatened further sexual violence or other violence against the Complainant and other individuals involved;
- Whether the reported conduct was committed by multiple individuals;
- Whether the circumstances suggest there is a risk of future acts of Prohibited Conduct under similar circumstances;
- Whether the reported conduct was perpetrated with a weapon;
- Whether the University possesses other means to obtain relevant evidence (e.g., security cameras or personnel, physical evidence); and,
- The Respondent's right to receive information if such information is maintained in an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g; 34 C.F.R. Part 99.

Where the University is unable to take action consistent with the request of the Complainant, the Coordinator or a

member of the Response Team will inform the Complainant about the chosen course of action, which may include the University seeking disciplinary action against a Respondent. Alternatively, the course of action may also include steps to eliminate the effects of the harassment and prevent its recurrence that do not involve formal disciplinary action against a Respondent or reveal the identity of the Complainant.

### *Support Person and Advisor*

#### **A. Support Person**

The Complainant and Respondent may be assisted by a support person of their choice. The support person cannot be a witness in the investigation. The support person may accompany the Complainant and Respondent to any meeting or related proceeding with the Investigating Officer or a University employee. The support person is a silent and non-participating presence who is there solely to observe and provide emotional support during the investigative and resolution process.

With the exception of a support person participating in the initial report, any individual who wishes to serve as a support person will be required to meet with the Coordinator or designee; such meeting shall be in advance of participating in the meetings and procedures under this Policy. The Coordinator or designee has the right at all times to determine what constitutes appropriate behavior on the part of a support person. No copies of written materials or any other evidence will be given to a support person, although the parties may share such information with the support person as necessary to assist them in the proceedings.

#### **B. Advisor**

In addition, with respect to reports of Sexual Assault, Interpersonal Violence or Stalking only, during any investigation and resolution of a report under this Policy, the Complainant and Respondent have the right to be assisted by an advisor of their choice. The advisor cannot be a witness in the investigation. The advisor may accompany the Complainant and Respondent to any meeting or related proceeding with the Investigating Officer or a University employee. The advisor may be an attorney. The advisor is a silent and non-participating presence who is there to provide advice and guidance to the Complainant and Respondent but may not directly address the official conducting the meeting.

To serve as an advisor, the individual will be required to meet with the Coordinator or designee in advance of participating in a meeting to understand the expectations of the role, privacy, and appropriate decorum. The Coordinator or designee has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. No copies of written materials or any other evidence will be given to an advisor, although the parties may share such information with an advisor as necessary to assist them in the proceedings.

### *Informal Resolution*

Informal Resolution is a voluntary and alternative approach designed to eliminate a hostile environment without taking disciplinary action against a Respondent. Where the Initial Assessment concludes that Informal Resolution may be appropriate, the University will take immediate and corrective action through the imposition of individual and community remedies designed to maximize the Complainant's access to the educational, extracurricular and

employment activities at the University and to eliminate a hostile environment. Examples of potential remedies are provided in the section on Supportive Measures. Other remedies may include targeted or broad-based educational programming or training, supported direct confrontation of the Respondent and/or indirect action by the Coordinator or designee, or the University. Depending on the form of Informal Resolution used, it may be possible for a Complainant to maintain anonymity.

The decision to pursue Informal Resolution will be made when the Coordinator and Response Team has sufficient information about the nature and scope of the conduct, which may occur at any time. Participation is voluntary, and a Complainant or Respondent can request to end Informal Resolution at any time prior to a final written resolution. Pursuing Informal Resolution does not preclude later use of Formal Resolution if the Informal Resolution fails to achieve a resolution acceptable to the parties and the University. The University may refer a report for Formal Resolution at any time and retains the discretion to determine the type of Informal Resolution that may be appropriate in a specific case.

The University will offer mediation for appropriate cases but will not compel a Complainant to engage in mediation, to directly confront the Respondent, or to participate in any particular form of Informal Resolution. The University will not offer mediation to resolve a complaint when such a process would conflict with Federal, State, or local law, or which includes allegations of sex-based harassment of an elementary or secondary school student.

The Coordinator will maintain records of all reports and conduct referred for Informal Resolution, which will typically be

completed within thirty (30) business days of the conclusion of the Initial Assessment.

## ***Investigation and Formal Resolution***

Where the Initial Assessment concludes that disciplinary action may be appropriate, based on the request of the Complainant or the Coordinator's and Response Team's determination that an investigation should be pursued based on the potential risk of harm or threat to public safety, the Coordinator or designee will initiate an investigation.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns consistent with this Policy and its section on Privacy and Confidentiality.

### **A. Investigating Officer**

The Coordinator or designee is authorized to designate appropriately trained individuals to receive reports and investigate allegations of Prohibited Conduct ("Investigating Officer"). The Investigating Officer may be a University employee or an external professional engaged to assist the University in conducting a reliable, thorough and impartial investigation. Any Investigating Officer chosen to conduct the investigation must be impartial and free of any actual conflict of interest. The Investigating Officer may work alone or appoint a "designee" to assist in conducting the investigation.

### **B. Notice of Investigation**

The Coordinator or designee will notify the Complainant and Respondent in writing, of the commencement of an investigation. Such

notice will (1) identify the parties by name; (2) specify the date, time (if known), location, and nature of the alleged Prohibited Conduct; (3) identify the potential Policy violation(s); (4) identify the Investigating Officer; (5) include information about the parties' respective rights and responsibilities under the Policy; (6) explain the prohibition against Retaliation; (7) instruct the parties to preserve any potentially relevant evidence in any format; (8) inform the parties how to challenge participation by the Investigating Officer on the basis of actual bias or conflict of interest; and (9) provide a copy of this Policy.

### **C. Investigative Steps**

The Investigating Officer will conduct the investigation in an appropriate manner in light of the circumstances of the case. The Investigating Officer will interview the Complainant and the Respondent to understand the details of the report. The Investigating Officer, in his/her discretion, will conduct other fact finding and/or discussions with any other individuals who may have information relevant to the determination. All investigative interviews will be documented and maintained by the University for inclusion in the investigation report. The Investigating Officer will also gather any available physical evidence, including documents, communications between the parties, and other electronic records as appropriate.

The Complainant and Respondent will have an equal opportunity to be heard, to submit information, and to identify witnesses who may have relevant information. Witnesses must have observed the acts in question or have information relevant to the incident and cannot participate solely to speak about an individual's character.

The Coordinator or designee may consolidate multiple reports against a Respondent into one investigation if the evidence related to each incident would be relevant in reaching a determination on the other incident.

### **D. Prior Sexual History**

The sexual history of the Complainant or Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of a Policy violation and will only be considered in very limited circumstances. For example, if the existence of Consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether Consent was sought and given during the incident in question. However, even in the context of a relationship, Consent to one sexual act does not, by itself, constitute Consent to another sexual act, and Consent on one occasion does not, by itself, constitute Consent on a subsequent occasion. In addition, under very limited circumstances, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve another question raised by the complaint.

While the Investigating Officer may explore areas of inquiry relevant to questions of Consent, the Adjudicator has the discretion to make the final determination whether evidence of prior sexual history is relevant to the determination of responsibility.

## **E. Coordination with Law Enforcement**

The Investigating Officer will contact any law enforcement agency that is conducting its own investigation to inform that agency that a University investigation is also in progress; to ascertain the status of the criminal investigation; and to determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation. At the request of law enforcement, the Investigating Officer may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The Investigating Officer will promptly resume the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation. In the event that the evidence-gathering stage of a criminal investigation becomes unreasonably long, the University may decide to move forward to facilitate a prompt campus resolution.

## **F. Review of Investigation Report**

At the conclusion of the investigation, the Investigating Officer will prepare a preliminary written Investigation Report that summarizes the information gathered and synthesizes the areas of agreement and disagreement between the parties and any supporting information or accounts. In preparing the report, the Investigating Officer will review and include all facts and evidence gathered during the investigation. The Adjudicator will make the determination of relevance and permissibility for all facts and evidence. The Investigating Officer may redact statements of personal opinion, rather than direct observations or reasonable inferences from the facts, and statements as to general reputation for any character trait, including honesty.

Before the investigative report is finalized, the Complainant and Respondent will be given the opportunity to review all information that will be submitted to the Coordinator or designee in the final Investigation Report. The Complainant and Respondent may submit any additional comment or evidence to the Investigating Officer within five (5) business days of being provided the opportunity to review the report.

Upon receipt of any additional information by the Complainant and Respondent, or after the five (5) business day comment period has lapsed without comment, the Investigating Officer will submit a final Investigation Report to the Coordinator or designee. The Investigating Officer will not make any credibility assessments, findings of fact, or determination of whether this Policy has been violated. The final Investigation Report will include all investigation materials that will be used by the Coordinator or designee to determine whether a violation has occurred.

## **G. Referral of Report to Appropriate Office for Review and Adjudication**

- Adjudicator

If the report involves potential Prohibited Conduct by a student, the Coordinator will refer the Investigation Report to the appropriate Student Affairs administrator to serve as the Adjudicator.

If the report involves potential Prohibited Conduct by an employee, the appropriate Human Resources administrator will be the Adjudicator.

The Coordinator or appropriate official, where appropriate, may, in their discretion, determine that, in the interest of fairness to the parties and the process, an external professional will serve as the Adjudicator. Any external adjudicator will have appropriate training and experience adjudicating reports of Prohibited Conduct.

- Initial Review by the Adjudicator

The Adjudicator may request that additional investigative steps be taken. The Adjudicator will review the report and make a determination whether there has been a violation of this Policy, based on a preponderance of the evidence standard. In order to make such determination, the Adjudicator must view all evidence and all factual inferences reasonably drawn from the evidence.

- Formal Resolution Meeting

The Adjudicator will meet with the Respondent at a formal resolution meeting to share the determination of responsibility (outcome) and rationale for the outcome. If there is a finding of responsibility, the Adjudicator will also discuss sanctions with the Respondent, and impose any appropriate sanction (as outlined below). The Adjudicator will offer the same Formal Resolution meeting to the Complainant separately.

- Notice of Outcome

The Complainant and Respondent will simultaneously receive written

notice of the outcome within ten (10) business days following the formal resolution meeting. The notice of outcome will include the finding as to whether there is a Policy violation and any applicable sanction(s). The notice of outcome will also provide the parties with their appeal options.

## H. Time Frames

Typically, the period from commencement of an investigation through formal resolution (finding and sanction, if any) will not exceed sixty (60) business days, as more specifically outlined below. This timeframe may be extended for good cause, which may exist if additional time is necessary to ensure the integrity and completeness of the investigation, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for complexities of a case, including the number of witnesses and volume of information provided by the parties, or for other legitimate reasons.

## *Sanctions*

Where there is a finding of responsibility, the Adjudicator may impose one or more sanctions. The range of available sanctions includes:

- Sanctions for students may include any of the sanctions that are available for violations of the University's Student Code of Conduct, including administrative reassignment of housing, campus restrictions, campus standard probation, co-curricular restriction, community restitution, community service, counseling assessment/support, disciplinary

reprimand, disengagement notice/ no-contact order, educational sanctions, fines, housing dismissal, housing probation, housing suspension, social restriction, University dismissal or University suspension.

- Sanctions for employees may include any of the sanctions that are available for violations of the University’s Employee Handbook and Faculty Handbook, including a letter of reprimand being placed in their personnel file, additional training, written letter of apology, suspension (paid or unpaid), dismissal, work schedule modifications, voluntary leave of absences, restrictions on campus activities, or termination from the University. Sanctions for faculty covered by the Faculty Handbook will be reviewed with the University Provost and/or the University President.

When determining sanctions, the Adjudicator will consider the following:

- The nature and severity of the Prohibited Conduct
- The impact of the Prohibited Conduct on the Complainant ;
- The impact or implications of the Prohibited Conduct within the University community;
- Whether the Respondent has accepted responsibility for the Prohibited Conduct;
- The maintenance of a safe and respectful environment conducive to learning; and
- Any other mitigating, aggravating, or compelling factors.

## *Appeals*

Either party may appeal the outcome of an Adjudication. The limited grounds for appeal are:

- A substantive or procedural error that substantially affected the outcome;
- Any evidence that could substantially affect the outcome and that was not reasonably available through the exercise of due diligence at the time of the investigation; or
- The Coordinator, Investigator, or Adjudicator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would substantially affect the outcome.

Dissatisfaction with the outcome of the investigation is not grounds for appeal.

A Complainant or Respondent must submit a written appeal within five (5) business days of receipt of the Notice of Outcome to the Coordinator. The written appeal must include the specific basis for the appeal and any information or argument in support of the appeal.

Upon receipt of the appeal, the Coordinator will provide the other party notice of the appeal and the opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) business days from receipt of the appeal.

The Coordinator will refer the appeal, and any response to an Appeals Officer, who will decide the appeal in an impartial manner. For students, the Appeals Officer shall be the Vice President of Student Affairs and Dean of Students. For employees, the Appeals Officer will be The



Vice President of Human Resources, or higher, appointed at the discretion of the University President.

The Appeals Officer, in their sole discretion, may make a determination based on the written record or may request to speak with the Investigating Officer, the Adjudicator, the Complainant or the Respondent. Appeals are not intended to be full rehearing of the report (de novo). The Appeals Officer may not substitute his/her judgment for that of the Adjudicator merely because they disagrees with the finding and/or sanctions. The Appeals Officer can: 1) affirm the findings, or 2) alter the findings only where there is clear error based on the stated appeal grounds.

The Appeals Officer shall communicate a written decision, which shall be deemed final and binding, to the Complainant, the Respondent and the Coordinator.

The Appeals Officer will conclude the appeal within fifteen (15) business days of the receipt of the appeals documents.

## **NEW JERSEY CAMPUS SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. In New Jersey, a victim of domestic violence, dating violence, sexual assault or stalking has the right to information about the criminal justice system, compensation, court proceedings,

offender release, medical treatment, and the status of investigations. For a complete list of all of the rights afforded to crime victims in the State of New Jersey, visit <http://www.state.nj.us/lps/dcj/agguide/victims.htm> Further, New Jersey affords certain rights to campus sexual assault victims as noted below.

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

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

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

C. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes of lesser offenses

than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.

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

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

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

G. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted diseases or human immunodeficiency virus; the right to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

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

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

## **PRIVACY AND CONFIDENTIALITY**

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

Privacy and confidentiality have distinct meanings under Fairleigh Dickinson University policy.

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

safeguarding private information in accordance with state and federal law.

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

Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers, mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications. Fairleigh Dickinson University has designated individuals who have the ability to have privileged communications as "Confidential Employees". When information is shared by an individual with a Confidential Employee or a community professional with the same legal protection, the Confidential Employee cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosures of such information. Information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18.

Pursuant to the Clery Act, Fairleigh Dickinson University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. The Clery Act also requires Fairleigh Dickinson University to

issue timely warnings to the FDU community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students or employees. Consistent with the Clery Act, Fairleigh Dickinson University withholds the names and other personally identifying information of complainants when issuing timely warnings or emergency notifications to the FDU community, and in the maintenance of the daily crime log. Fairleigh Dickinson University will also maintain as confidential any accommodations or supportive measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or supportive measures.

## ADDITIONAL RESOURCES

### *On-Campus Resources*

- Department of Public Safety  
201-692-2222  
<https://www.fdu.edu/campuses/metro-politan-campus/public-safety/>
- Office of Health Wellness  
201-692-2437  
<https://www.fdu.edu/student-life/students-health-wellness/>
- Office of Mental and Emotional Wellbeing  
201-692-2174  
<https://www.fdu.edu/student-life/students-health-wellness/>
- Campus Ministries  
201-692-2406  
<https://www.fdu.edu/campuses/metro-politan-campus/campus-life/campus-ministries/>

## *Off-Campus Resources*

- Teaneck Police Department  
201-837-2600  
<https://www.teanecknj.gov/police-department>
- Hackensack Police Department  
201-646-7777  
<https://www.hackensack.org/police/>
- healingSPACE YWCA Northern New Jersey Sexual Violence Resource Center  
201-487-2227  
<https://ywcannj.org/healingspace/>
- Center for Hope and Safety  
201-944-9600  
<https://www.hopeandsafetynj.org/>
- Lighthouse Pregnancy Resource Center  
973-238-9045  
<https://lighthouseprc.org/>

## *National Resources*

- RAINN – Rape, Abuse and Incest National Network  
<http://www.rainn.org>
- Department of Justice – Office on Violence against Women (OVW)  
<https://www.justice.gov/ovw/sexual-assault>
- Department of Education – Office for Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/index.html>

## **EDUCATION PROGRAMS**

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

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

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

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of New Jersey and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual

or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

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

As part of the annual educational campaign, Student training includes:

- First year and transfer students receive primary prevention and awareness training as part of their orientation sessions. This training focuses on sexual assault, domestic violence, dating violence and stalking. As part of these sessions,

students receive an introduction to the Title IX regulations;

- All new students who move into residence halls attend the “Alcohol & You” session;
- All new students complete “Alcohol Awareness and Prevention, Know Your Limits, and Lasting Choices” and “Lasting Choices: Preventing Sexual Assault” as part of the Univ 1001 course curriculum;
- All student athletes, student trainers, and student managers, regardless of class standing, complete a mandatory Title IX training; and
- Multiple events on topics such as sexual violence, inclusivity, alcohol and drugs, crime prevention, and risk reduction are offered throughout the academic year by various departments such as Student Wellness Services, Student Affairs, Transforming College Campuses (TCC), and student organizations.

Additionally, as part of the annual educational campaign, employee training includes:

- “Substance Abuse in the Workplace” training within the first 30 days of employment;
- An annual mandatory online Title IX training for all employees;
- Online Written Information Security Program (WISP) training; and
- Multiple events on topics such as sexual violence, inclusivity, alcohol and drugs, and crime prevention are offered throughout the academic year by various departments such as Student Wellness Services, Student Affairs, Transforming College Campuses (TCC), and student organizations.

## BYSTANDER INTERVENTION AND RISK REDUCTION

Bystander intervention consists of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of an occurrence of Prohibited Conduct. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene. Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- A. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.

- B. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- C. Speak up when someone discusses plans to take sexual advantage of another person.
- D. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- E. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

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

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

- A. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- B. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- C. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
- D. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- E. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.

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

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

- F. **Make sure your cell phone is with you** and charged and that you have cash money.
- G. **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- H. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- I. **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.
- J. **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.).
- K. **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.
- L. **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.
- M. **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.
- N. **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).

- O. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **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.
  - **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.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **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.
- P. **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?
- Q. **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.

## **SEX OFFENDER REGISTRATION – CAMPUS SEX CRIMES PREVENTION ACT**

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

In the State of New Jersey, that information may be accessed here via the New Jersey State Police website:

<https://www.nj.gov/njsp/sex-offender-registry/index.shtml>.

## **CAMPUS SECURITY POLICIES, CRIME PREVENTION AND SECURITY AWARENESS**

The University Department of Public Safety of Fairleigh Dickinson University is responsible for the safety and security of all persons and property that come to the Metropolitan campus. Public Safety has the responsibility of protecting life and property, preventing and detecting crime on campus as well as providing essential safety and services to the campus community. Crime prevention is a high priority of the department as well as the University. All members of the campus community need to assist themselves from becoming a victim of

crime by following basic crime prevention practices.

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

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

- Operation Identification
- Nighttime Safety Escort Service
- Emergency Telephones
- Department web page with tips and information
- Surveillance Cameras
- Lighting and grounds safety surveys
- Fire Equipment Checks

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

- Orientation Sessions – Done at all new student orientation sessions
- Resident Assistant Training – Annual
- Hall Security Assistant Training – Annual
- Fire Drills – Quarterly
- Wellness Fair – Annual
- Safe Spring Break – Annual
- Alcohol Awareness Week – Annual
- Freshman Seminar – On Request
- Resident Assistant Program Speakers – On Request



## **BEHAVIORAL INTERVENTION TEAM**

The Metropolitan Campus has a Behavioral Intervention Team that meets every Monday and is chaired by the Dean of Students. Issues and students of concern are discussed. Members of the Team include:

- Assoc. VP of Student Affairs
- Associate Dean of Students
- Assistant Director of Public Safety
- University Director of Housing and Residence Life
- Assigned Nurse from Student Wellness

The team takes a case management approach to identifying students who exhibit specific concerning or alarming behaviors. The team will develop plans of action designed to intervene and support the student at risk. All members of the campus community are encouraged to report concerns about any individual to the Dean of Students at 201-692-2190.

## **WEAPONS POLICY**

The possession, carrying, or use of weapons, ammunition, explosives, or fireworks is prohibited on University-owned or -controlled property.

## **FAIRLEIGH DICKINSON UNIVERSITY STUDENT CODE OF CONDUCT**

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

<https://www.fdu.edu/code-of-student-conduct/>.

## **MISSING STUDENT NOTIFICATION POLICY**

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

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

### ***Dean of Students Information to Resident Students***

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

Resident students have the option of identifying an individual to be contacted not later than 24 hours after the time that the student has been determined to be missing. Students can register this confidential contact information through the Office of Housing and Residence Life. All provided contact information will be accessible only

to authorized campus officials, and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. If the resident student is under 18 years of age, and not an emancipated individual, the University is required to notify a custodial parent or guardian not later than 24 hours after the time that the student is determined to be missing.

The Department of Public Safety will notify the appropriate local law enforcement agency not later than 24 hours after the time that the student is determined to be missing. If the Department of Public Safety and/or the local law enforcement agency has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to campus, the University will initiate the emergency contact procedure in accordance with the student's designation.

### ***Department of Public Safety***

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

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

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

surveillance video. The Department of Public Safety may also request assistance from Resident Assistants or others to assist in a search on campus.

The Department of Public Safety may issue an ID card photograph to assist in the identification of the missing student. After a search has been conducted with negative results, the Department of Safety will notify the local law enforcement agency.

### ***Notification Procedure***

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

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

### ***Campus Communication***

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

## DRUGS AND ALCOHOL

Fairleigh Dickinson University's compliance with the provisions of the Drug-Free Schools and Communities Act is achieved through a comprehensive alcohol and other drug prevention program, which includes policy enforcement, education programs, counseling supports and referral to treatment services.

Fairleigh Dickinson University's [Drug and Alcohol Free Workplace Policy](#) applies to all members of the University community – employees and students. The Policy defines prohibited behavior and outlines consequences for violations. Also described are educational and counseling resources. Additional regulations related to alcohol within the residence halls can be found in the [Alcohol Policy for Metropolitan and Florham Campus Residence Halls](#).

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

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

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

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

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

### ***University Policy and Procedures on Alcohol and Other Drugs***

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

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

the residence halls, or in any other campus area, not designated for alcohol consumption.

Any student found responsible for violating Article IX, Section D of the Code of Student Conduct and Community Standards or Section 1, Item 20 of the Alcohol Policy for Metropolitan and Florham Campus Residence Halls is subject to the judicial procedures from the University.

The Code of Student Conduct and Community Standards reads, “Underage purchase, possession, consumption or distribution of alcohol; the providing of alcohol to underage individuals and/or the enabling or encouraging of underage individuals to purchase, possess, consume or distribute alcohol; violation of the alcoholic beverages policy; and/or public intoxication” will be subject to disciplinary actions.

The use, possession or distribution of marijuana, illegal drugs and drug paraphernalia is not permissible on University grounds, including the residence halls. Use and possession of drugs in any vehicle on campus is likewise prohibited. The Student Code of Conduct prohibits “Enabling of or actual illegal use, possession, illegal distribution, transfer or sale of narcotics, hallucinogenic agents, other controlled or dangerous substances and drug paraphernalia on or off campus.” Students found in violation of the aforementioned policy will also be subject to criminal prosecution.

It is unlawful for any person, knowingly or purposely, to obtain or possess, actually or constructively, an anabolic steroid, unless the substance was obtained directly or pursuant to a valid prescription. Any person who violates this section is guilty of a crime

of the fourth degree and subject to charges of violation of the Student Code of Conduct.

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

### *Abuse Prevention*

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

As you think about your choices, it is helpful to remember that there are benefits to using alcohol safely and wisely and benefits from abstaining from alcohol use. For many people, alcohol is a complement to social events, good food and conversation with friends or family. For others, alcohol may be part of family tradition or ritual. Some people simply like the taste of wine with a meal or a cold beer on a hot summer afternoon. Abstaining from alcohol also has benefits. Alcohol-free lifestyles allow people of all ages to be free to grow in their ability to manage stress and develop life skills without the interference of alcohol. People who abstain have no risk of developing alcoholism. For those with a family history of alcoholism, a choice to remain abstinent will help break the cycle of addiction. Lastly, abstinence from alcohol is a lifesaving choice for people recovering from chemical dependency.

Choosing to use or not to use alcohol is a personal choice for which each student is responsible. At any age, we are responsible

for the consequences of our decisions. For example, nationwide a high percentage of date or acquaintance rapes on campus are alcohol related.

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

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

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

**A. The use of Alcohol is a personal choice.**

No one should feel pressured to drink or be made to feel uneasy or embarrassed because of a personal choice. However, peer pressure and internal pressure to fit in and successfully integrate into the college scene can exist. Many people will choose to use alcohol safely, moderately and appropriately. Others will simply have no desire to experience the effects of alcohol. A small percentage of students may use alcohol unsafely or appear to use it excessively. Everyone has the right to decide how they want to use, or not use, alcohol. If a student feels he/she is struggling with

this decision or the pressure of self/others, he/she can always speak to his/her resident assistant or a counselor at the Office of Mental and Emotional Wellbeing.

**B. Alcohol use is not essential for enjoying social events.**

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

**C. Know when to abstain from alcohol.**

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

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

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

Getting drunk is not a condition to be admired, laughed at or taken lightly.

Rude, destructive or just plain foolish behavior triggered by alcohol use is socially unacceptable. It also may indicate an alcohol-use problem. Drinking games often result in drunkenness and can present serious risks for those involved. Alcohol poisoning is a potentially fatal condition that is the result of drinking too much, too fast. Warning signs of alcohol poisoning are vomiting, slow or irregular breathing (less than 8–12 breaths per minute or more than 10 seconds between breaths); cold, clammy skin, bluish-skin color or paleness; mental confusion, stupor, coma or unable to rouse a person; no response to pinching the skin; and/or seizures. A person seeing or knowing anyone with these signs must get help immediately.

**E. Know personal limits of moderation.**

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

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

**F. There are ways to minimize health and safety risks when serving alcohol. Examples include:**

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

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

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

**H. What to do on the Metropolitan Campus.**

- If you have questions about developing your own personal guidelines;

- If you are concerned about someone else’s use/abuse of alcohol; or
- If your life has already been affected by alcohol-related problems:

Student Wellness Services (the Offices of Health Wellness and Mental and Emotional Wellbeing) serves as a campus resource to assist you with questions about psychoactive substance use and abuse. You can drop in or schedule an appointment. (An appointment is recommended as you can talk privately without interruption.) All conversations are strictly confidential and focus on offering information, sharing feelings and making you feel comfortable in exploring your choices and personal guidelines. Counseling and treatment for alcohol and drug abuse is available through the Office of Mental and Emotional Wellbeing and off-campus sources.



## Health Risks and Consequences

SUBSTANCE	EFFECT ON THE MIND	EFFECT ON THE BODY	OVERDOSE	POTENTIAL FOR DEPENDENCE	EXAMPLES
<b>ALCOHOL</b>	Impairs coordination, judgment, reasoning, and memory	Slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing	Mental confusion, stupor, coma or inability to wake up, vomiting, seizures, slow breathing (fewer than 8 breaths/minute), irregular breathing (10 seconds or more between breaths), hypothermia (low body temperature), bluish skin color, or paleness	Yes	beer, wine, liquor and malt liquor
<b>DEPRESSANTS</b>	Impairs memory, judgment, coordination, and can cause confusion. May induce sleep, relieve anxiety and muscle spasms, and prevent seizures	Slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death	Yes	Rx: Valium, Xanax, Halcion, Ativan, Klonopin, Restoril, Lunesta, Ambien, and Sonata. Non-Rx: GHB, Rohypnol (Roofies)
<b>HALLUCINOGENS</b>	Distortions of thought associated with time and space, confusion, anxiety, depression, paranoia, and sleep problems	Elevated heart rate, increased blood pressure, sweating, loss of appetite, tremors, sleeplessness, dilated pupils, and impaired motor coordination	Respiratory depression, coma, convulsions, seizures, and death due to respiratory arrest. LSD and shrooms: death due to suicide, accidents, and dangerous behavior	Yes	Rx: N/a Non-Rx: MDMA, Ecstasy, LSD, acid, shrooms, PCP, and ketamine
<b>INHALANTS</b>	Damages areas of the brain responsible for thinking, moving, seeing, and hearing. Cognitive abnormalities range from mild impairment to severe dementia	Slurred speech, loss of motor coordination, euphoria, slowed bodily functions, slight stimulation, loss of inhibition, and loss of consciousness	Loss of consciousness and/or death, "Sudden sniffing death", and asphyxiation	Yes	Names/Forms: Huff, Whippets, Poppers, butane, aerosols
<b>MARIJUANA</b>	Problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination	Sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure	"Greening out" can cause confusion, dizziness, disorientation, visual impairments, weakness, anxiety, panic, paranoia, increased pulse rate and blood pressure, nausea, and vomiting. No deaths from overdose of marijuana have been reported	Yes	Names/Forms: cannabis, weed, hash, 420, 710 (oil), wax, edibles, budder, shatter
<b>OPIOIDS</b>	When appropriately prescribed: reduce tension and pain, anxiety, and aggression. Unwanted effects include drowsiness, inability to concentrate, and apathy	Slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing	Constricted (pinpoint) pupils, cold clammy skin, confusion, convulsions, extreme drowsiness, slowed breathing, coma, and respiratory failure	Yes	Rx: OxyContin, Vicodin, codeine, morphine, methadone, and fentanyl Non-Rx: Heroin
<b>STIMULANTS</b>	Produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for prolonged periods, and a general "high". Chronic, high-dose use results in agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia may also occur	Dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps	High fever, convulsions, and cardiovascular collapse	Yes	Rx: Adderall, Concerta, Ritalin Non-Rx: Cocaine, crack, methamphetamine
<b>TOBACCO</b>	Increases dopamine, stimulates the Central Nervous System	Increased blood pressure, breathing and heart rate, chronic bronchitis, cancer, heart disease	Nicotine poisoning, difficulty breathing, vomiting, fainting, headache, weakness and increased or decreased heart rate, and possible death	Yes	Forms: cigarettes, cigars, bidis, smokeless tobacco, vape, nicotine

Drug Enforcement Agency (2020). *Drugs of Abuse: a DEA resource guide*. Retrieved on 8-12-24 from [https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20\\_0.pdf](https://www.dea.gov/sites/default/files/2020-04/Drugs%20of%20Abuse%202020-Web%20Version-508%20compliant-4-24-20_0.pdf)  
National Institute on Alcohol Abuse and Alcoholism. *Alcohol's Effects on Health*. Retrieved on 8-12-24 from <https://www.niaaa.nih.gov/alcohols-effects-health>  
Mager, D. (2023, May 5) *Believe It or Not, You Can Overdose on Weed*. *Psychology Today*. <https://www.psychologytoday.com/us/blog/some-assembly-required/202305/believe-it-or-not-you-can-overdose-on-weed>



## Controlled Dangerous Substances

The Controlled Substance Act places all substances that are regulated under existing federal law into one of five schedules. The place is based on the substance’s medical use, potential for abuse, and safety or

dependence ability. Below is a description of the five schedules and examples of drugs in each schedule – the list of examples is not exhaustive. For more information, see the DEA guide: [Drugs of Abuse: a DEA resource guide](#).

SCHEDULE	CHARACTERISTICS	EXAMPLES
<b>Schedule I</b>	<ul style="list-style-type: none"> <li>• High potential for abuse</li> <li>• No currently accepted medical use in US</li> <li>• Lack of accepted safety for use under medical supervision</li> </ul>	<ul style="list-style-type: none"> <li>• Heroin</li> <li>• Gamma Hydroxybutyric Acid (GHB)</li> <li>• LSD</li> <li>• Marijuana</li> <li>• Ecstasy (MDMA)</li> <li>• Mescaline (peyote)</li> <li>• Tetrahydrocannabinols (THC)</li> </ul>
<b>Schedule II</b>	<ul style="list-style-type: none"> <li>• High potential for abuse</li> <li>• Currently accepted for medical use or with severe restrictions in the US</li> <li>• Abuse may lead to severe psychological or physical dependence</li> </ul>	<ul style="list-style-type: none"> <li>• Adderall®</li> <li>• Amphetamine</li> <li>• Cocaine</li> <li>• Fentanyl</li> <li>• Hydrocodone</li> <li>• Methamphetamine</li> <li>• Phencyclidine (PCP)</li> <li>• Ritalin®</li> </ul>
<b>Schedule III</b>	<ul style="list-style-type: none"> <li>• Less potential for abuse than drugs in Schedules I and II</li> <li>• Currently accepted for medical use in the US</li> <li>• Abuse may lead to moderate or low physical dependence or high psychological dependence</li> </ul>	<ul style="list-style-type: none"> <li>• Anabolic Steroids</li> <li>• Codeine compounds</li> <li>• Some barbiturates</li> <li>• Ketamine</li> </ul>
<b>Schedule IV</b>	<ul style="list-style-type: none"> <li>• Low potential for abuse compared to drugs in Schedule III</li> <li>• Currently accepted medical use in the US</li> <li>• Abuse may lead to limited physical dependence or psychological dependence</li> </ul>	<ul style="list-style-type: none"> <li>• Ativan®</li> <li>• Rohypnol®</li> <li>• Valium®</li> <li>• Xanax®</li> </ul>
<b>Schedule V</b>	<ul style="list-style-type: none"> <li>• Low potential for abuse compared to drugs in Schedule III</li> <li>• Currently accepted medical use in the US</li> <li>• Abuse may lead to limited physical dependence or psychological dependence</li> </ul>	<ul style="list-style-type: none"> <li>• Cough medicines with codeine</li> </ul>

## State and Federal Legal Sanctions

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

CRIME/OFFENSE	JAIL/PRISON TIME	FINE (\$)
<b>1st Degree Crime</b>	10-20 years max	\$100,000
<b>2nd Degree Crime</b>	10 years max	\$100,000
<b>3rd Degree Crime</b>	5 years max	\$7,500
<b>4th Degree Crime</b>	up to 18 months max	\$7,500
<b>Disorderly Persons (offense)</b>	up to 6 months max	\$1,000
<b>Petty Disorderly (offense)</b>	up to 30 days max	\$500

### A. I.2C:35-3 Leader of a Narcotic Trafficking Network – First Degree Crime (Life Term)

- Conspires with others as an: organizer (or) financier, supervisor (or) manager
- To manufacture or distribute: Methamphetamine, Lysergic Acid Diethylamide (LSD), and Phencyclidine
- Any Controlled Dangerous Substance (CDS) in Schedule I or II

**B. II.2C:35-4 Maintaining or Operating a CDS Production Facility – First Degree Crime**

- Knowingly maintains or operates a premise used to manufacture: Methamphetamine, Lysergic Acid Diethylamide
- Any Controlled Dangerous Substance (CDS) in Schedule I or II

**C. III.2C:35-5 Manufacturing, Distributing or Unlawfully Dispensing Controlled Dangerous Substances– Degree of crime dependent on drug and amount**

- Knowingly or purposely: manufactures, distributes or dispenses (or possesses with intent to dispense) a CDS (or analog); or creates, distributes or possesses (or possesses with intent to distribute) any counterfeit CDS. Possession with intent to distribute.

**D. IV.2C:35-5.1 Distribution, Manufacture or Possession with Intent to Distribute Anabolic Steroids– Third Degree Crime**

**E. V.2C:35-6 Employing a Juvenile in a Drug Distribution Scheme– Second Degree Crime**

- Any person being at least 18 years of age who knowingly uses, solicits, directs, hires or employs a person 17 years of age or younger to violate N.J.S.2C:35-4 or subsection a. of N.J.S.2C:35-5

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

**3-year minimum, 1-year minimum for marijuana less than one ounce**

**G. VII.2C:35-8 Distribution to person under 18 or Pregnant Female**

- Doubles time of imprisonment
- Doubles the fine
- Doubles time of parole ineligibility

**H. VIII.2C:35-9 Strict Liability for Drug-induced Deaths – First Degree Crime**

- Any person who manufactures, distributes or dispenses Methamphetamine, Lysergic Acid Diethylamide, Phencyclidine, or any other Schedule I or II, or controlled analog thereof is strictly liable for a death that results from injection, inhalation or ingestion of that substance.

**I. IX.2C:35-10 Possession, Use or Being under the Influence – Degree of crime dependent on drug and amount**

- It is unlawful for any person, knowingly or purposely, to obtain, or to possess, actually or constructively, a controlled dangerous substance or controlled substance analog, unless the substance was obtained directly, or pursuant to a valid prescription or order form from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by P.L.1970, c.226 (C.24:21-1 et seq.)

**J. X.2C:35-11 Imitation CDS – Third Degree Crime**

- It is unlawful for any person to distribute or to possess or have under his control with intent to distribute any substance which is not a controlled dangerous substance or controlled substance analog

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

- All equipment, material and products of any kind, used or intended for use in planting, growing or harvesting, manufacturing, compounding, testing, preparing or introducing a CDS into the human body.
- Drug paraphernalia includes kits, scales, balances, adulterants, sifters, blenders, grinders, spoons, capsules, balloons, envelopes, water paper, roach clips, ceramic pipes and chillers.

**L. XII.2C:36-2 Use or Possession of Drug Paraphernalia with Intent to Use – Disorderly Persons Offense**

## ANNUAL DISCLOSURE OF CRIME STATISTICS

### Definitions

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

**Murder and Non-negligent**

**Manslaughter:** The willful (non-negligent) killing of one human being by another.

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

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

**Fondling:** The touching of the private body parts of another person for the purposes of

sexual gratification, without consent of victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

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

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

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

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

**Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle.

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

**Domestic Violence:** Felony or misdemeanor crimes of violence committed by (i) by a current or former spouse or intimate partner of victim, (ii) by a person with whom the victim shares a child in common, (iii) by a person who is cohabitating with or has

cohabitated with the victim as a spouse or intimate partner, (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred: or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

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

**Hate Crimes:** Includes all of the crimes listed above that manifest evidence that the victim was intentionally selected because the perpetrator's bias against the victim based on one of the Categories of Prejudice listed below, plus the following four crimes.

**Larceny/Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal

injury, severe laceration or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism to Property (except Arson):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### *Categories of Prejudice*

**Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

**Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

**Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

### *Definitions of Clery Act Locations*

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

**Residence Halls:** Any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

**Public Property:** All public property (i.e., property owned or operated by a governmental entity), including thoroughfares, streets, sidewalks, and parking facilities, that are immediately adjacent to and accessible from the campus.

**Non-Campus:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## **CRIME STATISTICS: CLERY DATA**

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to the University Department of Public Safety. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092(f).

OFFENSE	2021				2022				2023			
	On-Campus Property		Public Property	Non-Campus	On-Campus Property		Public Property	Non-Campus	On-Campus Property		Public Property	Non-Campus
	Residence Hall	Total On-Campus			Residence Hall	Total On-Campus			Residence Hall	Total On-Campus		
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	1	1	0	0
Fondling	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
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	1	0	0	0	1	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>												
Domestic Violence	0	0	0	0	1	1	1	1	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	4	4	0	0
Stalking	0	1	0	0	0	0	0	0	0	1	0	0
<b>ARRESTS</b>												
Weapons	0	0	0	0	0	0	0	0	2	2	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0
<b>NON-ARREST CAMPUS REFERRALS</b>												
Weapons	1	1	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	2	2	0	0	3	3	0	0
Alcohol	8	8	0	0	0	0	0	0	7	8	0	0

### HATE CRIMES

2023– 1 Hate Crime

1 – Intimidation based on National Origin

2022 – No Hate Crimes Reported

2021 – No Hate Crimes Reported

### UNFOUNDED CRIMES

2023 – 1 Unfounded Crime

2022 – 0 Unfounded Crimes

2021 – 0 Unfounded Crimes

# ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008 and requires institutions that maintain on campus housing facilities to publish an annual fire safety report which outlines fire safety practices, standards, and all fire related on campus statistics. The following public disclosure report details all information required by this law as it relates to the Metropolitan Campus of Fairleigh Dickinson University.

## Definitions

The following terms are used within this report. Definitions have been obtained from the Higher Education Opportunity Act.

**On Campus Student Housing:** A student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within a reasonable contiguous area that makes up the campus.

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

## Fire Safety

At the Metropolitan Campus of Fairleigh Dickinson University all residence halls are completely covered by a sprinkler system and a fire alarm system that is monitored by the local fire department 24 hours a day, seven days a week.

All Residence Hall residents are issued a copy of the Metropolitan Campus Resident Handbook which includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency.

The interior of every student room has a fire safety notice posted on the rear of the entry door which also gives information as to what to do in the event of a fire.

Additional information on fire safety can be found on the Department of Public Safety section of the University website, [www.fdu.edu/campuses/metropolitan-campus/public-safety/fire-safety/](http://www.fdu.edu/campuses/metropolitan-campus/public-safety/fire-safety/).

Below is a chart of fire safety systems installed in all on-campus residence halls:

RESIDENCE HALL COMPLEX	FIRE ALARM SYSTEM	AUTOMATIC SPRINKLER SYTEM	SMOKE ALARM/ DETECTION	FIRE DOORS	FIRE DEPARTMENT NOTIFICATION
Lindens	Non-addressable fire alarm panel	Yes, with flow and valve tamper switches	Hard wired smoke/heat detectors	Yes	Fire alarm panel annunciates directly to the local fire department
Northpointe	Non-addressable fire alarm panel	Yes, with flow and valve tamper switches	Hard wired smoke/heat detectors	Yes	Fire alarm panel annunciates directly to the local fire department
University Courts	Non-addressable fire alarm panel	Yes, with flow and valve tamper switches	Hard wired smoke/heat detectors	Yes	Fire alarm panel annunciates directly to the local fire department

## ***Residence Hall Fire Drills and Evacuation Policy***

Fire drills are conducted in all residence halls at least once a semester. Drills are done at random times and days and are unannounced.

- In a building, activate the nearest fire alarm and call the Department of Public Safety at 201-692-2222 or 911. Do not attempt to extinguish the fire yourself. Sounding the alarm and making the call can save lives and property by giving firefighters the maximum amount of response time and building occupants the maximum amount of time to evacuate the building.
- Calmly assist others to evacuate the building by following exit signs to the nearest safe exit. The nearest exit may not be the one you use to enter the building. DO NOT use any elevator.
- If possible, assist any person with disabilities who may need assistance in evacuating the building.
- Remain outside the building at a safe distance to wait for Public Safety, police and fire departments (a list of evacuation staging areas can be found on page 9 of this document).
- Give any information you have to the responding Public Safety, police or fire officials and then report to the designated staging area.

### ***When a fire alarm sounds***

Steps to follow if you hear a fire alarm:

- Remain calm. DO NOT panic.
- Before opening a door, feel it with the back of your hand. If it is hot, do not open the door. Go to another means of egress. If you cannot exit

the room, seal the cracks around the door with towels, linen, clothes (soaked in water if possible). Open your window for air and hang objects out the window to attract attention. Shout for help. If a telephone is available, call 911 and advise them where you are trapped. If smoke is filling the area where you are, keep low to the floor. Take short breaths to avoid inhaling smoke. Place a wet towel over your nose and mouth.

- If the door is not hot, brace yourself and open it slowly. If hot air or fire rushes in close the door and follow instructions in number 2.
- If you are able to leave, close all the doors behind you and proceed to the nearest safe exit. The nearest exit may not be the one you use to enter the building. Once you leave the building, report to the designated staging area.

It is New Jersey state law that whenever a fire alarm goes off for any reason in the building that you are in, you must evacuate and remain outside until told by campus authorities that you may reenter.

### ***Specific Fire Prevention Related Policies***

Fairleigh Dickinson University does not allow smoking in any campus building or Residence Hall. Smoking is only permitted outside buildings and away from any exterior doors.

It is the policy of the Metropolitan Campus of Fairleigh Dickinson University to provide faculty, staff, students and visitors with the safest possible environment, free from potential fire hazards. Periodic fire inspections of all campus buildings are conducted by the Department of Public



Safety, Campus Facilities and the local fire departments.

To minimize the potential for fires, it is Fairleigh Dickinson University's policy to prohibit "open burning" at all times. "Open burning" as defined by Fairleigh Dickinson University is any open/exposed flame or combustion that produces heat, light or smoke, and has the potential to cause a fire. Examples of open burning are, but not limited to, candles, incense, campfires and related accessories such as gasoline, propane, lighter fluid, pyrotechnics and fireworks.

In addition, Fairleigh Dickinson University has the following fire safety related rules:

- Tampering with, modifying or disconnecting any fire equipment, including fire alarms, fire extinguishers, smoke/heat detectors or emergency lighting is prohibited.
- Students and their visitors are required to immediately evacuate any campus building when an alarm sounds or when instructed to do so by a University official or staff member. Once outside, students should assemble at least 50 feet away from the building. Students may not re-enter any part of the building until authorization has been given by public safety or fire department.
- Items considered to be a fire hazard or a danger to the University community will not be permitted. The following are not permitted in the residence halls: 1) firearms; 2) fireworks or explosives; 3) hazardous or flammable chemicals or solvents; 4) ammunition; 5) weapons, including but limited to bows and arrows, illegal knives as defined by New Jersey law, BB guns, slingshots, chukka sticks,

Chinese stars, blackjacks or other dangerous instruments; 6) candles, punks, incense sticks, incense and potpourri burners. Decorative candles with unburned wicks are permitted; and 7) halogen lamps. Items that can be classified as weapons or explosives will be confiscated by the University Department of Public Safety and all other prohibited items will be confiscated by the Office of Housing and Residence Life. All items confiscated by the Office of Housing and Residence Life can be claimed from that office at the end of the current semester. Items not claimed at the end of the academic year will be discarded. Items confiscated by the University Department of Public Safety can be claimed from that department at the end of the current semester with the exception of firearms which will be turned over to the local police department immediately upon confiscation.

- Fire regulations prohibit the placement or suspension of flammable materials either from ceilings or light fixtures or in a manner that could block the egress from a room, suite, apartment, corridor or building. In addition, flammable materials may not be stored under any stairwell. Holiday trees or other live items such as sprays of green, wreaths, etc., and Hanukkah candles are not permitted in the Residence Halls. Open flames are not permitted in residence halls.
- Residents are not permitted to bring or install space heaters or air conditioners in their rooms. During emergencies, only University approved heaters will be allowed.

- In accordance with local fire code, non-surge protected extension cords of any kind and multi-plug adapters are prohibited in the residence halls. Only UL- approved, grounded, surge-protected, multiple-outlet strips are permitted in residence hall rooms.
- Cooking in the residence halls is limited to designated kitchen areas in specific residence halls. Due to fire safety and sanitary standards, all other residents are not permitted to have appliances used for preparing food and/or appliances that contain a heating element in their residence hall rooms or suites. Hotpots and coffeemakers are allowed in rooms. Students may have one microwave oven per room. Microwaves ovens can be no larger than .6 cubic feet. Unauthorized appliances will be subject to confiscation.
- Refrigerators up to 4.5 cubic feet are permitted in any residence hall unless designated otherwise by the Office of Residence Life. Only one refrigerator is permitted per bedroom.
- The storage of bicycles is not permitted in hallways, stairwells, or lobby areas. Residents are to chain bicycles to racks provided by the University. Bicycles chained to the exterior of any building will be removed.
- E-bikes and E-Scooters that utilize lithium-ion batteries are prohibited inside all residence halls at all times and are not permitted to be chained to the exterior of any building.
- Due to health concerns and as per New Jersey state law, all residence halls are designated smoke free. Smoking of any kind in student rooms and public areas such as

hallways, stairwells, laundry rooms, lounges, and lobbies is prohibited. Students may not smoke in a 50-foot radius of any residence hall.

- Students are prohibited from entering janitors' closets, boiler rooms, and other unauthorized areas. In addition, students are not permitted on building roofs for any reason.
- Attempting to damage, tamper or interfere with the operation of a security camera is prohibited.
- The use of any type of grill is prohibited in or around any residence hall area. Grills are permitted in the designated barbecue areas only.

### ***Fire Safety Education and Training Programs for Students and Employees***

Fire drills are conducted twice per year by the Department of Public Safety in coordination with the local fire departments and the University facilities Department. Each member of the campus community is required to participate in the drill.

Fairleigh Dickinson University currently and routinely contacts the local fire departments for training and advice.

### ***Plans for Future Improvements in Fire Safety***

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

## *2021/2022/2023 Fire Statistics for On-Campus Housing Facilities*

RESIDENCE HALL	ADDRESS*	DATE AND TIME OF FIRE	CAUSE	VALUE OF DAMAGE	NUMBER OF INJURIES	NUMBER OF DEATHS
Linden 1 & 2	1 Union Circle	N/A	N/A	N/A	N/A	N/A
Linden 3	3 Union Circle	N/A	N/A	N/A	N/A	N/A
Linden 4 & 5	4 Union Circle	N/A	N/A	N/A	N/A	N/A
Linden 6	6 Union Circle	N/A	N/A	N/A	N/A	N/A
Linden 7 & 8	7 Union Circle	N/A	N/A	N/A	N/A	N/A
Northpointe	1100 River Road	N/A	N/A	N/A	N/A	N/A
University Court 1	882 River Road	N/A	N/A	N/A	N/A	N/A
University Court 2	883 River Road	N/A	N/A	N/A	N/A	N/A
University Court 3	886 River Road	N/A	N/A	N/A	N/A	N/A
University Court 4	896 River Road	N/A	N/A	N/A	N/A	N/A
University Court 5	901 Lone Pine Lane	N/A	N/A	N/A	N/A	N/A
University Court 6	906 River Road	N/A	N/A	N/A	N/A	N/A
University Court 7	916 River Road	N/A	N/A	N/A	N/A	N/A
University Court 8	921 River Road	N/A	N/A	N/A	N/A	N/A
University Court 9	929 River Road	N/A	N/A	N/A	N/A	N/A
University Court 10	920 River Road	N/A	N/A	N/A	N/A	N/A

\* All addresses are located in Teaneck, NJ 07666

## A FINAL WORD

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

Fairleigh Dickinson University  
Metropolitan Campus  
Department of Public Safety  
870 River Road  
Teaneck, New Jersey 07666  
201-692-2222

