



## **2021 -2022 College Policies Brochure**

## POLICIES

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### **SECTION I.**

#### **General Overview, Scope, and Purpose**

**Scope:** This Policy applies to all users of the IT (“Information Technology”) Systems of Bloomfield College, including but not limited to Bloomfield College students, faculty, and staff. It applies to the

use of all IT Systems. IT Systems include Bloomfield College's Network's host computers, personal computers, and workstations, computer accounts, software, files, fax machines, and video systems administered by Bloomfield College IT, as well as those administered by Bloomfield College-affiliated entities ("IT Systems"). This Policy applies to all users of Bloomfield College IT Systems, whether affiliated with Bloomfield College or not, and whether on campus or from remote locations. Uses of Bloomfield College IT Systems, accessed through Bloomfield College computers or privately-owned computers, which may or may not be managed or maintained by Bloomfield College, are governed by the Policy.

**Policy Statement:** The purpose of this Policy is to ensure an information technology infrastructure that promotes the basic missions of Bloomfield College in teaching, learning, research, and administration. This Policy promotes:

- Integrity, reliability, availability and superior performance of IT Systems
- Assurance that IT Systems are used for their intended purposes
- Processes for addressing policy violations and sanctions for violators

**Purpose:** Bloomfield College is committed to protecting its employees, partners, and the Institution from illegal or damaging actions by individuals, either knowing or unknowing. Bloomfield College IT Systems are provided to students, faculty, and staff as a privilege and not a right. The use of Bloomfield College provided resources and activities that are subject to the requirements of local, state, and federal laws, as well as behaviors that comply with academic honesty, Bloomfield College policies and regulations, and sound ethical judgments. Thus, the legitimate use of IT Systems does not extend to whatever is technically possible.

All Bloomfield College technology users are responsible for knowing this Acceptable Use Policy and to conduct their activities accordingly. Failure to know the Acceptable Use Policy as set forth herein is not an adequate reason for the violation of this Policy. Failure to comply with this Policy could result in suspension or termination of the user's technology account(s), legal liability, and/or suspension/dismissal from the college.

*General Use and Ownership:*

- Internet/Intranet/Extranet-related systems, including but not limited to, computer equipment, software, operating system, storage media, network accounts, WWW browsing, and FTP, are the property of Bloomfield College.
- While Bloomfield College's network administration strives to provide a reasonable level of privacy, users should be aware that all data they create on Bloomfield College's IT Systems is and remains the property of Bloomfield College.
- Each user is responsible for using IT Systems and facilities ethically and lawfully, in accordance with Bloomfield College policies and relevant laws.
- Each user is responsible for co-operating with other users of the IT System and facilities to ensure fair and equitable access to the same.
- Each user is responsible for exercising good judgment regarding the reasonableness of personal use. Bloomfield College accepts no responsibility for the integrity or confidentiality of personal files stored on Bloomfield College's IT Systems.
- Bloomfield College reserves the right to audit networks, user accounts, computers, files, and systems periodically.

## **SECTION II. Use of IT Systems**

**Use of IT Systems:** IT Systems may be used only for their authorized purpose: To support the research, education, administration, and other functions of Bloomfield College.

**Confidential and Privacy Information:** All users accessing this system:

- Must maintain high levels of security and confidentiality
- Must preserve the privacy required for these data
- Will access records only as required to perform assigned duties
- Will not access or release private information without proper authorization
- Will not publicly discuss data in a way that might identify a person

Unauthorized use is a violation of applicable Bloomfield College policies, state/federal laws and regulations (such as Graham-Leach-Bliley, FERPA, and HIPAA) and will be subject to criminal, civil and/or administrative action.

**Web Pages:** Any page that resides on Bloomfield College servers represents Bloomfield College whether or not designed for that purpose. Any page that resides on a Bloomfield College server must be registered with the Bloomfield College's Webmaster. Each page should be reviewed regularly and updated periodically. The following information must be readily accessible from the main page:

- The name of the group or unit represented by the page
- A means of contacting the person(s) responsible for maintaining the page content
- An active link to the Bloomfield College homepage

Employee web pages represent the individual in his/her primary role as a Bloomfield College employee. Incidental personal information on the employee pages is deemed acceptable so long as it does not interfere with the function or desired presentation of the unit, causes disruption of normal service, or incur significant cost to Bloomfield College. Faculty and Staff who wish to publish substantial personal information not related to their Bloomfield College functions should use an Internet service provider rather than using Bloomfield College web resources.

Personal web pages represent an individual as a private person and are permitted for students only. Content or hyperlinks to content, which is illegal under local, state, or federal statutes, or which promotes or encourages illegal activity, are not permitted. Potentially offensive content should be brought to the attention of the web or network administrator, who will refer the matter to the appropriate channel.

Department and organization web pages represent the organizational unit in the capacity in which it serves Bloomfield College or the Bloomfield College community. As such, these pages reflect the image of the College as a whole and the web administrator must ensure that their content presents a message consistent with the mission and goals of the Bloomfield College.

Projects/Special Interest web pages are created and maintained for a particular, sometimes temporary purpose such as data gathering or discussion by a board, working group, or committee. If such a project or an interest involves material strictly for internal use or dissemination only among the Bloomfield College community, the web administrator should be advised to restrict the Universal Resource Locator (URL) to viewing only from the campus network.

Instructional/research web pages are created and maintained by Bloomfield College faculty to serve as an aid or enhancement to their role as instructors or researchers. Commercial pages are prohibited.

**External Links:** Bloomfield College accepts no responsibility for the content of the pages or graphics that are linked from Bloomfield College web pages. However, web authors should consider that such links, even when clearly labeled, could be misinterpreted as being associated with Bloomfield College.

Bloomfield College reserves the right to remove any web page and/or external links residing on the Bloomfield College servers.

### **SECTION III. Unacceptable Use**

The following categories, while by no means complete, are an attempt to provide a framework for unacceptable activities while using Bloomfield College IT Systems:

**Use that impedes, interferes with, impairs or otherwise causes harm to the activities of others:**

Users may not deny or interfere with or attempt to deny or interfere with services to other users in any way, which includes “resource hogging,” misusing mailing lists, propagating “chain letters” or virus hoaxes, “spamming” (spreading email or posting widely and without good purpose) or “bombing” (flooding an individual, group or system with numerous or large email messages). A person who is aware of the reckless distribution of unwanted mail or other unwanted messages is prohibited. Other behavior that may cause excessive network traffic or computing load is also prohibited.

**Use that is inconsistent with Bloomfield’s non-profit status:** Bloomfield College is a non-profit, tax exempt organization and, as such, is subject to specific federal, state, and local laws regarding sources of income, political activities, use of property, and similar matters. As a result, the commercial use of IT Systems for non-academic purposes is prohibited, except if specifically authorized and permitted under Bloomfield College’s policies for conflict of interest, outside employment, etc. Prohibited commercial use does not include communications and exchange of data that furthers Bloomfield College’s educational, administrative, research, clinical, and other roles, regardless of whether it has an incidental financial or other benefit to an external organization,

**Harassing or threatening use:** This category includes, for example, the display of offensive, sexual material any- place on campus, in the workplace, and repeated unwelcome contacts with another. This category also includes distributing email that is harassing in any nature such as hate mail, and/or any mail that would discriminate against a person’s race, creed/religion, age, physical handicap, sex, sexual orientation, or national origin.

**Use that suggests Bloomfield College’s endorsement of political causes:** Use of IT Systems in any way that suggests Bloomfield College’s endorsement of any political cause or candidate or ballot initiative is prohibited. Users must refrain from using IT Systems for lobbying that connotes Bloomfield College’s involvement, except for the authorized lobbying through or in consultation with the Bloomfield College’s General Counsel’s Office.

**Use of Bloomfield College’s name, seal, or logo:** Use of the Bloomfield College name, seal, or logo on personal work pages, email, or other messaging facilities is expressly prohibited.

*Use damaging the integrity of the Bloomfield College or other IT Systems:*

- Users must not defeat or attempt to defeat any IT System’s security – for example, by “cracking” or guessing and applying the identification or password of another User, or compromising room locks or alarm systems. (This provision does not prohibit, however, ITS or Systems Administrators from using security scan programs within the scope of their System Authority.)
- Altering system software or altering hardware configurations.
- Downloading or installing new software on college computers without the permission of the IT Department.
- Sharing, distributing, posting, storing, transmitting, and/or disseminating any information, data, or material that violates the Copyrighted files or intellectual property right of any person or entity in

any format or which in any way encourages conduct that would constitute a criminal offense that violates local, state or federal law(s).

- Transmitting unsolicited bulk or commercial messages commonly known as “spam” or messages with very large files with the intent of disrupting the Bloomfield Colleges computer server and its network.
- Participation in the collection of email addresses, screen names, or other identifiers of other Bloomfield College users commonly known as “shivering” or “harvesting” or participation in the use of software (including “spyware”) designed to facilitate this activity. (See EMail Policy)
- Accessing another individual’s technology account(s), private files, or e-mail with/without permission of the owner.
- Misrepresenting one’s identity in electronic communications and/or by impersonating any person or entity by falsifying a sender’s address, forging a user’s digital or manual signature, or performing any other fraudulent activity such as “Phishing.”
- Using or distributing tools or devices designed to be used for compromising security, such as password guessing programs, decoders, password gatherers, unauthorized keystroke loggers, or encryption circumvention devices.
- Posting or transmitting any information or software which contains a worm, virus, Trojan horse, data scrubbing programs (i.e.... Evidence Eliminator) e-mail bombs, etc. or generates levels of traffic sufficient to impede other users’ ability to use, send, or retrieve information and/or interfere with the Bloomfield College computer network and its telecommunications in an attempt to “crash” the host server.
- Using any technology resources to threaten, harass, and/or intimidate others.
- Inappropriate use of fax and telephone lines.
- Using portable media devices to copy, distribute, or otherwise manipulate data belonging to Bloomfield College, or in any way compromising Bloomfield College’s proprietary information and/or software.
- Making fraudulent offers to sell products, items, or services originating from any Bloomfield College account.
- Using Bloomfield College IT Systems to access pornographic material or to create, store, or distribute pornographic material. It will not be a defense to claim that the recipient was a consenting adult.
- Excessive use of bandwidth consumption such as bulk transfers of files and other high capacity traffic using file transfer protocol, peer-to-peer applications, and newsgroups.

**Use in violation of law:** Users shall not use Bloomfield College IT Systems in violation of civil or criminal law at the Federal, state, or local levels. Examples of such uses are: promoting a pyramid scheme; distributing illegal obscenity; receiving, transmitting or possessing child pornography; gambling; infringing Copyrights; making bomb threats or threats of any kind, and/or engaging in the identity theft of privacy violations.

#### **SECTION IV:**

## **Copyright Law, the Illegal Use of File Sharing Programs, Bloomfield College Policies and Procedures for Handling Violations**

**Purpose:** Concerning Copyright infringement, users should be aware that Copyright law governs (among other activities) the copying, display, and use of software and other works in digital format (text, sound, images, and other multimedia). This Section will explain the policies and procedures Bloomfield College follows in responding to notifications of alleged Copyright infringements on the Bloomfield College network.

**Copyright Law:** A Copyright is a legal protection afforded to the expression of an idea in a fixed, tangible medium, provided by the laws of the United States to the owners of Copyright. The types of works that are covered by Copyright law include, but are not limited to literary, dramatic, musical, artistic, pictorial, graphic, and film works. Many individuals understand that printed works such as books and magazine articles are covered by copyright laws but are not aware that the protection also extends to software, digital works, multi-media works, photographs, digital music and movies, and that a Copyright covers all forms of work, including digital transmission and subsequent use.

**Current Law Covering Digital Copyright:** The Digital Millennium Copyright Act (DMCA), signed into law in 1998, recognizes that the digital transmission of works is protected under copyright law. The DMCA provides non-profit educational institutions with some protections if individual members of the community violate the law. However, for Bloomfield College to maintain this protection, we must expeditiously take down or otherwise block access to infringing material whenever it is brought to our attention and take steps to enforce our Policies against such users.

Colleges and individuals can be subject to the imposition of substantial damages for Copyright infringement incidents relating to the use of college network services. In addition, individual infringers may be subject to criminal prosecution. Criminal penalties include up to ten years imprisonment depending on the nature of the violation.

**Immediate Importance:** Copyright is an issue of particular seriousness because technology makes it easy to copy and transmit protected works over our networks. While Bloomfield College encourages the free flow of ideas and provides resources such as the network to support this activity, we do so in a manner consistent with all applicable state and federal laws. Bloomfield College does not condone the illegal or inappropriate use of material that is subject to copyright protection.

**Violations of the Copyright Laws:** The following are some examples of Copyright infringement:

- Downloading and sharing MP3 files of music, videos, and games without payment to, or with the permission of the copyright owner.
- Downloading and/or installing pirated software, or software to which use is not licensed.
- Using Bloomfield College logos without permission.
- Placing a copy of a standardized test on a department's web site without permission of the copyright owner.
- Enhancing a departmental web site with music that is downloaded or artwork that is scanned from a book, all without attribution or permission of the Copyright owners.
- Scanning a photograph that has been published and using it without permission or attribution.
- Placing several full-text articles on a course web page that is not password protected and allowing the web page to be accessible to anyone who can access the internet.
- Downloading licensed software from non-authorized sites without the permission of the copyright or license holder.
- Making a movie file or a large segment of a movie available on a website without permission of the copyright owner.

**Liability:** Copyright holders are represented by organizations such as the Recording Industry Association of America (RIAA), the Business Software Association, and the Motion Picture Association of America. They are applying serious efforts to stop the infringing downloads of Copyrighted music, movies, and software. These companies or their agents locate possible Copyright infringements by using automated systems.

Bloomfield College's network has a range of IP addresses and all computers connected to the Bloomfield College network have an IP address. When we get a violation notice, Bloomfield College locates the IP address and whenever possible, the user of that address. At that point, Bloomfield College takes all necessary steps to respond to Copyright infringement.

**Enforcement:** Any users who violate the Acceptable Use Policy will be denied access to Bloomfield College technology resources and may be subject to other penalties and disciplinary action. Bloomfield College reserves the right to investigate violations of the Acceptable Use Policy including the gathering and examination of information from the user or users involved and the complaining party if applicable. Bloomfield College may temporarily suspend, block or restrict access to an account or technology resource when it reasonably appears necessary to do so to protect the integrity, security, or functionality of Bloomfield College technology resources, or to protect Bloomfield College from liability. Bloomfield College may also refer suspected violations of applicable law to appropriate law enforcement agencies. All Bloomfield College technology users are also subject to any violations and possible sanctions by technology governing and police agencies and Bloomfield College users agree to identify and hold harmless Bloomfield College from any and all litigations suits or causes of action brought against the technology used by an outside agency. Any user who has been found guilty of violating the Bloomfield College Acceptable Use Policy has the right to appeal to the Dean of Students Office for Students and Human Resources for employees.

*Specific Procedure/Penalties for Violations of DMCA:*

- **First-time Notifications:** If this is the first notification that Bloomfield College has received on an individual, IT must be notified that the infringing material has been removed from the computer before Internet access will be reinstated. A report of the violation of Copyright will be recorded. A warning letter will be generated, and the individual will be asked not to repeat the behavior that resulted in the complaint. A copy of that letter will be kept in the individual's file and a copy will also go to Bloomfield College's DMCA Agent. The individual will be fined \$500 by Bloomfield College, plus related costs and fees.
- **Second Notification Process for Students:** If Students are notified of Copyright infringement a second time, their privileges to access the Internet from their personal computers, either through a wired port or through wireless, will be denied for four weeks. The Dean of Student Affairs will be notified when second infringements have occurred and may take additional action appropriate with Bloomfield College's disciplinary process. The individual will be fined \$1000, plus related costs and fees. If the student tries to connect his/her computer to the Internet from a Bloomfield College port that is assigned to someone else, through an open port in a classroom or the wireless service, further disciplinary action may take place.
- **Subsequent Notification Process for Students:** If students are notified of Copyright infringement a third time, their privileges to access the Internet from their personal computers may be denied for a semester while the action is taken by the Dean of Student Affairs to determine the severity of the infringement. Additional sanctions may be applied both from within Bloomfield College's disciplinary process and outside the academic arenas. Specifically, violators may be subject to fines, indemnification of Bloomfield College for legal fees and suspension or expulsion from the Bloomfield College. If the student tries to connect to the



Internet from a Bloomfield College port that is assigned to someone else, through an open port in a classroom, or through the wireless service, further disciplinary action may take place.

- ***Second Notification Process for Faculty, and Staff:*** Faculty and staff who are engaged in teaching and research functions are expected to understand and act in accordance with applicable copyright laws. Bloomfield College is obligated to exercise greater responsibility to address instances of repeated infringing activity by these individuals. For this reason, in an instance of a second notification of an individual's infringing activities, Bloomfield College's Office of General Counsel is also notified of the infringement and a meeting with relevant administrators will be held to determine the action(s) to be taken.
- ***Action Taken in Response to Subpoenas:*** Upon receipt of a valid subpoena, Bloomfield College is obligated to turn over any electronic information regarding specific instances of infringing material that has been allegedly transmitted over its networks.
- ***Reporting a Copyright Infringement:*** You can report alleged Copyright infringements on Bloomfield College systems or direct other Copyright questions to the Network Administrator, Director of Information Services, and/or the Dean of Students.

## **SECTION V. Electronic Mail Policy**

**Purpose:** Bloomfield College's email services support the educational and administrative activities of Bloomfield College and serve as a means of communication by and between users and Bloomfield College. The purpose of this policy is to ensure that this critical service remains available and reliable and is used for purposes appropriate to Bloomfield College's mission.

**Scope:** This policy applies to all members of the Bloomfield College community who are provided access to email services

**Policy:** Bloomfield College provides electronic mail (e-mail) services to faculty, staff, and students. The use of Bloomfield College email services must be consistent with Bloomfield College's educational goals and comply with local, state, and federal laws and Bloomfield College policies and Google Mail Terms of Service. (<http://www.google.com/intl/en/policies/terms/>)

### *Bloomfield College Email Address and Accounts*

- ***Faculty and Staff:*** Email Services are available for faculty and staff to conduct and communicate concerning Bloomfield College-related business. Incidental personal use of email is allowed with the understanding that the primary use is job-related and that occasional use does not adversely impact work responsibilities or the performance of the network. Email services are only provided while a user is employed by Bloomfield College. Once a user's employment status is terminated, they may no longer access the contents of their mailbox.

Faculty and staff email users are advised that electronic data (and communications using the Bloomfield College network for transmission and storage) is owned by Bloomfield College and may be reviewed and/or accessed by authorized Bloomfield College officials for purposes related to Bloomfield College business. The college has the authority to access and inspect the contents of any equipment (hard drives, USB thumb drives, floppy disks, etc.), files, or email on its electronic system. Additionally, Bloomfield College, if warranted, reserves the right to monitor an individual user's network activity without the user's consent or knowledge.

- ***Students:*** Email services are available for students to support learning and for communication by and between Bloomfield College and themselves. The services provided are only available while a student enrolled in Bloomfield College. Once a student's electronic services are terminated, as

specified in the document Computing Privileges, students may no longer access the contents of their mailboxes.

Student email users are advised that electronic data (and communication using the Bloomfield College network for transmission or storage) is owned by Bloomfield College, and may be reviewed and/or accessed in accordance with Bloomfield College's Acceptable Use Policy. Bloomfield College has the authority to access and inspect the contents of any equipment, files, or email on its electronic system.

**Acceptable Use Under Bloomfield College Policies:** Users have a responsibility to learn and comply with Bloomfield College's policies on acceptable uses of electronic services, particularly the Bloomfield College Acceptable Use of Computing Resources Policy. Violation of Bloomfield College policies may result in disciplinary action dependent upon the nature of the violation.

Examples of prohibited uses of the email include:

- Intentional and unauthorized access to other people's email
- Sending "spam", chain letters, or any other type of unauthorized widespread distribution unsolicited mail
- Use of the email for commercial activities or personal gain (except as specifically authorized by Bloomfield College policy and in accord with Bloomfield College procedures)
- Use of the email for partisan political or lobbying activities
- Sending of messages that constitute violations of Bloomfield College's Policy and Procedures
- Creation and use of a false or alias email address to impersonate another or send fraudulent communications
- Use of email to transmit materials in a manner which violates copyright laws

**Security and Privacy of Email:** Bloomfield College attempts to provide secure, private, and reliable email services by following sound information technology practices. However, Bloomfield College cannot guarantee the security, privacy, or reliability of its email to communicate confidential or sensitive matters.

*Best Practices in Use of Email:*

**Confidential Information:** When sending confidential information, it is strongly recommended that the user encrypt the message in an approved method. Users transmitting confidential documents as email attachments must password-protect them or utilize other secure methods.

**Viruses and Spyware:** Bloomfield College email users should be careful not to open unexpected attachments from unknown or even known senders. Additionally, Bloomfield College's email users should not follow web links within an email message unless the user is certain that the link is legitimate. Following a link in an email message may execute code that can also install malicious programs that can affect workstations, personal accounts, and critical system resources.

**Identity Theft:** Forms sent via email from an unknown sender should never be filled out by following a link. Theft of one's identity could be the result of such activity. If a user would like more information about the risks of identity theft, the information can be found by contacting the Help Desk.

**Password Protection:** Bloomfield College's policy requires the use of strong passwords for the protection of email. A strong password should contain digits or punctuation characters as well as letters. The Computing Password Policy contains information on how to choose and maintain compliant passwords.

**Departmental Email Boxes:** Departments that provide services in response to email requests should create departmental email boxes. Shared mailboxes may help support departmental functional continuity for managing requests sent via email. Further information about this service can be found in the document Sending/Receiving Email for Departmental IDs.

**Forwarding Email:** Bloomfield College's email users may choose to have their email forwarded to another Bloomfield College user's inbox. Instructions for this may be found on the IT Help Desk web page. User's email may also be forwarded to another personal email account, however, due to the availability of Gmail across multiple platforms and devices, it is not recommended.

**Out of Office:** Staff email users on an extended absence should create an Out of Office message which should include the contact information for another staff member who can respond while the user is away from the office.

**Staying Current:** Official Bloomfield College communications such as urgent bulk email, and course email should be read regularly since those communications may affect day-to-day activities and responsibilities.

### **SECTION VI: Personal Account Responsibility**

Users are responsible for maintaining the security of their own IT Systems accounts and passwords. Passwords are not to be shared with any other person. Users are responsible for any activity carried out under their IT Systems accounts or posted on their web pages. If you find someone has used your password, notify the Help Desk at (973) 748-9000, ext. 1224 immediately.

*Password Requirements:*

**Domain Account:** Users must follow these password requirements when creating their 2003 Moonlight/Domain account password:

- Must contain at least 8 characters including letters and numbers
- Cannot contain any special characters (! @, #, \$, etc...)
- Cannot include the username, first name or last name
- Cannot be a password that was used previously for this account

**Email Password:** Users must follow these password requirements when creating their @Bloomfield.edu email account password:

- Cannot use part(s) of your username
- Must contain at least 8 characters
- Must contain at least 1 alphabetic character
- Must contain at least 1 numeric character
- Can include special characters (\*, &, <, >, ^, %, etc...)

- **BlackBoard:**
  - Must contain a minimum of 8 characters
  - Cannot include your username
  - Must contain at least 1 alphabetic character
  - Must contain at least 1 numeric character
- **WebAdvisor:**

- Passwords are case-sensitive
- Must be between 6 and 9 characters in length
- Must include letters and numbers
- Cannot use a previous password(s)
- Cannot use part(s) of your username

*WebUI:*

- Passwords are case-sensitive
- Must contain a minimum of 8 characters
- Must contain at least 2 alphabetical characters
- Must contain at least 1 numeric character

Here are some helpful hints on creating effective computer passwords:

- Use a minimum of eight characters and at least one character from three of the following four classes:
  - ~ English upper case letters
  - ~ English lower case letters
  - ~ Numerals (0, 1, 2, etc.)
  - ~ Non-alphanumeric (special) characters such as punctuation symbols
- Do not base passwords on any easily identified words, numbers, or special characters e.g. commonly used words, a reversal of such words, any system identifier or obvious phrases or sequences
- Do not reuse a password; construct a new password each time it is changed
- The following strategies will help you generate a password that is easy to remember, is hard to guess and complies with the College policy:
  - ~ Use a mixture of upper/lower case and punctuation  
e.g. **kEEp0ut!**
  - ~ String several words or parts of words together e.g. *it'sCold*
  - ~ Choose a phrase, perhaps a line from a poem or song, and form passwords by concatenating words from the phrase along with digits and/or punctuation. e.g. **Tw1nLit\*** (from twinkle, twinkle, little star), **yAt550m1** (from you are the sunshine of my love)
  - ~ Invent phrases like car registration plates e.g. *oNe4y0u!*

## **SECTION VII: Town Residents and Alumni**

Town Residents and Alumni are granted access to the computer lab located in the Library (Pollack Lab). Each user is granted one hour of computer use per day. The IT Department does not offer Wi-Fi access, printing, or email services to Town Residents nor Alumni. To gain access to the computers, Town Residents and Alumni must create a network account with the Help Desk. Please note that during high volume times (e.g. midterms and finals weeks) IT will impose time restrictions for Town Residents and Alumni, to ensure that currently enrolled students have access to critically needed resources. These time restrictions will be posted in the lab during these times. Town Residents and Alumni must adhere to all applicable items in this policy as well as to lab regulations posted in the lab.

**Alumni:** To create an Alumni account, the user must come to the IT Help Desk and fill out the Alumni Account form. In addition to this they must also bring the following items to create an account:

- Valid driver's license or a government/state-issued ID card
- A valid Bloomfield College Alumni ID card

Alumni cards are available from the Institutional Advancement office in 68 Oakland.

**Town Residents:** To create a Town Resident network account, the user must come to the IT Help Desk and fill out the Town Resident account form. Also, the user must bring the following items with them:

- A valid driver's license or a government/state-issued ID card
- Proof of address (Rent lease agreement, utility bill, credit card bill, etc.)
- ~ Bloomfield College does not accept P.O. Box information as proof of address.

## **APPENDIX A:**

### **Rules and Regulations for Computing Facilities**

Computer lab resources are to be used for College sanctioned activities consistent with the mission of Bloomfield College. College sanctioned use includes, but is not limited to:

- Instruction
- Completion of academic and administrative assignments
- Academic research and scholarly activities
- Authorized work of College departments, offices, centers and laboratories, and campus organizations
- Digital communications as a member of the College community
- Authorized recreational and social activities, not interfering with other sanctioned uses

Computer labs are governed by the following guidelines:

- Computer facilities may be used by authorized users only.
- The utilization of these facilities for commercial or illegal activities is strictly prohibited.
- Treat College property with respect.
- Do not copy software without proper authorization or use illegally copied software. Any unauthorized software left on Bloomfield College hard drives will be deleted.
- Storing personal files on Bloomfield College hard drives is permitted however the integrity of personal work stored on local drives is not guaranteed. Therefore, users are advised to store work at their own risk. Users are encouraged to use USB flash/thumb drives or upload their files to their @Bloomfield.edu Google drive to store their work.
- Storing personal files in a public/classroom lab is not permitted, for system integrity the computers are configured to erase personal data upon reboot. Users are required to use USB flash/thumb drives or upload their files to their @Bloomfield.edu Google drive to store their work.
- The illegal storing of Copyrighted files on Bloomfield College's hard drive, network, or lab computers is strictly prohibited.
- Only Faculty, Staff, and currently enrolled Students have printing privileges. For a full list of the print policy, visit (<http://www.bloomfield.edu/resources/helpdesk/print-quota-policy>)
- Time limits for workstations may be imposed.
- Users must relinquish workstations for scheduled classes.
- No eating, drinking, or smoking is permitted in any computer lab.
- Disconnecting of College workstations and printers, and/or breach of local or network system software is prohibited.
- Bloomfield College is not responsible for personal belongings left in the computer labs.
- Users must adhere to the posted rules, policies, and procedures. Users who violate this policy are subject to revocation of their computing privilege.

*The Acceptable Use Policy may be modified as deemed necessary and appropriate by Bloomfield College. Users are encouraged to periodically review this policy.*

## **ALCOHOL AND DRUG POLICY**

It is not the policy of the College to encourage the consumption of alcoholic beverages, but the institution reserves the right to permit the consumption of alcohol in moderation at appropriate social events provided that the sponsoring organization complies with the laws of the State of New Jersey. Therefore, all student organizations and sororities/fraternities sponsoring events at which alcohol will be available must adhere to the policies of the Center for Student Leadership and Engagement concerning student sponsored events. Residential Education and Housing Staff, as well as all College officials, are required to and will report any student found violating the alcohol policy. Bloomfield College prohibits the possession, manufacture, use, sale and/or distribution of any illegal substance of any kind or amount by any individual on college property.

### ***ALCOHOL POLICY***

The possession, consumption, or sale of alcoholic beverages is not permitted in any college facility or common area (streets, walkways, driveways, parking lot, etc.) unless served at an authorized student organization or college-sponsored event. The possession, consumption, or sale of alcoholic beverages is not permitted in any on/off-campus residence facility. All students are expected to be acquainted with and abide by both State and College regulations regarding the consumption and possession of alcohol. Students are also expected to be aware of the social, physiological, and legal consequences of excessive drinking in order to make responsible decisions about serving and consuming alcohol. The College provides on-campus counseling and off-campus referrals for students who may be involved in the misuse of alcohol or drugs and who seek assistance to alter behaviors. All students are responsible and legally liable for the conduct and behavior of their guests and for informing them of the College's Alcohol Policy and the New Jersey State Alcohol Beverage Control Regulations. The Bloomfield College Alcohol Policy is consistent with the laws of the State of New Jersey and prohibits the consumption and serving of alcoholic beverages by and to persons under 21 years of age. Students who are 21 years of age or older are not allowed to possess, use, distribute or sell alcoholic beverages on the Bloomfield College campus with the exception of College approved student organization events with appropriate state permits and authorization. According to New Jersey law, it is illegal for anyone under the age of 21 to:

- Purchase or consume alcoholic beverages.
- Enter places licensed to sell alcoholic beverages with the intent to purchase alcoholic beverages.
- Misrepresent one's age or the age of anyone else for the purpose of purchasing alcohol or gaining entrance to a place that sells alcohol. It is illegal to supply a minor with alcohol or to allow a minor to drink in one's presence. If that minor subsequently injures himself or others because of the loss of ability due to alcohol consumption, the person supplying the alcohol can be held liable.

Students are responsible for their behavior and actions, whether they are under the influence of alcohol or not. Under no circumstances will the consumption of alcohol constitute a mitigating circumstance when it contributes to the violation of College regulations. **Bloomfield College students are always also responsible for the behavior of their guests**. As Bloomfield College respects students' right to privacy, College representatives will not enter residential rooms without substantive cause, i.e., without reasonable suspicion that College policies have/are being violated (see below for examples). However, those whose behavior infringes on the rights of others have forfeited that privacy.

The specific protocol must be adhered to for events where alcoholic beverages will be served and attended by persons under the legal drinking age. Those who are of legal drinking age who wish to

sponsor campus events with alcohol must comply with the guidelines established by the Office of the **Dean of Students** for Student Affairs. If approved to serve alcoholic beverages, those organizing the event are responsible for ensuring that only those of legal drinking age are served. Students of legal drinking age will be issued an ID bracelet for timely and required identification. Availability of alcoholic beverages shall not be the primary focus of advertising campus social events.

### **Ways in Which Incidents Will Be Handled Within Residence Halls:**

If a Resident Director (RD), Resident Advisor (RA), or Director of REH observes an individual entering or leaving a room with alcohol, s/he has substantive cause to enter that room to investigate a possible alcohol violation. In the event of a noise complaint, the RA or RD will go to the room and knock on the door. If no one answers, the RA or RD may enter the room. The RA or RD will instruct the residents of the room to control the noise. S/he will not have cause to investigate possible alcohol violations unless indicators of alcohol consumption or possession is observed, such as evidence of intoxication, visual view of kegs, bottles, cans, and/or odor of alcohol. All resident students and their guest(s) must remain present. The residential student of the room will be asked to gather and collect all alcohol items while the RA or RD collects the appropriate information about all parties involved. This procedure will be the same for any similar complaint.

Students and their guest(s) are in violation of the College's Alcoholic Beverage Policy under any or all the following circumstances:

- Transporting of any container of alcohol across common spaces of the College (lounges, game rooms, dining areas, hallways, courtyards, driveways, parking lots, etc.);
- Possession or consumption of alcohol (empty, partially full or full bottles, cans, containers, etc.) while on College grounds/property, which includes residential rooms. Alcohol containers, including but not limited to empty or full beer cans or bottles, are not permitted as room decorations.
- Serving or making available alcohol to any person(s) under the age of 21 in any on/off-campus location. No person under the age of 21 is permitted to consume or be in possession of alcohol on Bloomfield College Property or at any Bloomfield College-sponsored/affiliated event(s) on/off campus.
- Purchasing alcohol for any person(s) under the age of 21 or by students under the age of 21 through the falsification of identification.
- When individuals are not drinking alcoholic beverages but are in the presence of individuals drinking or in possession of alcoholic beverages in a resident's room or a residential facility, common and/or surrounding areas.
- When a student and or their guest(s) are found in an intoxicated state in a College facility or when his/her consumption of alcohol contributes to behavior that: Infringes (disrespects) the peace and privacy of others and the overall community; (vomiting, public urination, etc.); intimidates, threatens, or injures self and others (belligerency); leads to the destruction of property; that student will be subject to a monetary fine based on the degree/assessment of damages and the cost of repair/replacement) and suspension/expulsion from the Residential Education and Housing Program.
- Requires hospitalization and/or police/security intervention; that student will be subject to a monetary fine and or suspension/expulsion from the Residential Education and Housing Program. Violations of local ordinances or state laws may be grounds for disciplinary action(s), regardless of where such violation(s) occur if they violate Bloomfield College Student Code of Conduct. The preceding regulations apply to students both on and off the College campus, particularly in the Northern New Jersey vicinity.

### **Sanctions for Violation of Alcohol Policy**

In addition to criminal sanctions and civil liability under state law (as outlined below), a student found in violation of the College's Alcohol Policy will be subjected to disciplinary action and sanctions will be imposed. Disciplinary sanctions may vary and are assigned in accordance with the type(s) of unacceptable behavior in which a student engages or participates in, as well as the student's level of responsibility for the incident. The seriousness of the incident (s) and the Student's past disciplinary history will be considered in determining the appropriate sanction(s) rendered. The following consequences for violating the College's Alcohol Policy/Student Code of Conduct and failing to comply with the expectations of Bloomfield College students are outlined below:

**First Offense:** Based on the nature of the incident/violation determined by the College, a student will receive a written **Disciplinary Warning** indicating that additional violations of the policies will result in more serious disciplinary sanctions. The student will be placed on **Conduct Probation** for 60 days. A monetary fine will also be imposed. If the student is under the age of 18, a Parental Notification will be sent to the student's documented parents/legal guardian(s). Resident students will also be required to attend one alcohol education program.

**Second Offense:** Based on the nature of the incident/violation determined by the College, a second offense, or a first offense involving the distribution of alcohol to a minor, will result in a monetary fine no less than \$100.00 and **Conduct Probation** for one academic semester. In addition to the monetary fine and semester **Conduct Probation**, a student may be referred to complete one Personal Counseling Assessment with the College's Personal Counseling Center and participate in an Alcohol Awareness service project (approved by the Office of Residential Education & Housing). A resident student will also be suspended from housing for a minimum of (3) three days. If the student is under the age of 18, a Parental Notice will be sent to the student's documented parents/legal guardians.

**Third Offenses:** Based on the nature of the incident/violation determined by the College, the third offense in any form will result in a monetary no less than \$250.00 and **Conduct Probation** for an academic calendar year. In addition to the monetary fine and academic calendar year **Conduct Probation**, a student may be referred to complete two Personal Counseling Assessment sessions with the College's Personal Counseling Center; and participate in an on/off-campus Alcohol Awareness Program. A resident student will also be suspended from housing for a minimum of (7) seven days; if the student is under the age of 18, a Parental Notice will be sent to the student's parents/legal guardians.

**Additional Offenses:** Based on the nature of the incident/violation determined by the College, any additional offenses in any form will result in a fine no less than \$500.00 and **Conduct Probation** for a calendar year. In addition to the \$500.00 fine and **Conduct Probation** for one calendar year, resident students will be **suspended from housing** for a minimum of (30) thirty days or **dismissed from college housing for a period determined by the Office of Student Affairs**. Students will be recommended to pursue personal counseling intervention with the College's Personal Counseling Center. If the student is under the age of 18, a Parental Notice will be sent to the student's parents/legal guardians.

Regardless of the number and description of student alcohol violations outlined above, the College reserves the right to suspend or dismiss a student immediately pending the investigative process and/or its outcome. Offenses involving the distribution of alcohol or obtaining alcohol for a minor will automatically result in a fine no less than \$200.00; conduct probation for a minimum of one semester; and possible partial or total suspension from housing and/or the College for a minimum of 30 days.



### **Applicable Legal Sanctions for Alcohol Violations: Local, State, and Federal Laws**

Local, state, and federal laws that apply to illegal use/possession of alcohol (including vehicular violations) will be fully enforced at Bloomfield College. The College will refer offenders for the prosecution to the appropriate local, state, or federal government. Examples of maximum penalties for specific offenses are as follows:

- **Offense:** Driving while under the influence of alcohol or drugs (DWI).
- **Jurisdiction:** State of New Jersey.
- **Maximum Penalty:** 2nd offense-loss of license for 2 years.

### ***DRUG POLICY***

**The use of drugs by students can create conditions that are contrary to those deemed necessary for the maintenance of an optimal living and learning environment. Bloomfield College affirms its responsibility to secure this optimal living and learning community by enforcement of the following policy:**

**The use, possession, or sale of alcohol, illegal drugs, or narcotics, and/or paraphernalia by a student will subject that individual to disciplinary action and legal prosecution under federal, state, or local statutes. The decision rendered shall be determined by the circumstances of the student's involvement. In addition, the presence of the odor of marijuana, and the possession of drug paraphernalia or any device used to ingest marijuana in any campus residence hall, building, etc., may also subject students to internal disciplinary action.**

Bloomfield College prohibits the possession, manufacture, use, and/or sale/distribution of any illegal substance (of any kind in any amount) by any individual. Drug use is illegal and is a threat to the welfare of individuals and to the institution. Bloomfield College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of any controlled substances or illegal drugs. This includes prescription drugs that have been prescribed by a physician to another individual other than the Bloomfield College student. In some cases, a student will be required to show evidence of physician prescription for controlled substances including medical marijuana. Any individual known to be in possession, using or distributing illegal drugs is subject to disciplinary action, arrest, and/or expulsion from the College. Bloomfield College is concerned about the possible physical, emotional, and psychological effects of drug use on the individual user and the impact such use has on members of the College Community. Students are invited to consult with the Office of Personal Counseling and Office of Health Services for a confidential discussion regarding questions or problems concerning drug use or abuse. Bloomfield College will promote and encourage programs, resources, and services that explore issues of drug use, abuse, and addiction. The College Health and Personal Counseling Centers are available for students who are involved in the misuse of drugs or narcotics and wish to seek aid in altering this behavior pattern.

In accordance with federal, state, and local laws, the use of illegal or controlled substances and misuse of prescription drugs are prohibited on the Bloomfield College campus. Controlled substances include but are not limited to: illegal drugs; prescription drugs not prescribed to the user; designer drugs; and other chemicals and substances such as inhalants that alter the perceptions and motor abilities of individuals. Use of over the counter medications not in compliance with the directions accompanying the product is also prohibited. In addition, violations of local, state, or federal law on College property, or off-campus when such violations have an adverse effect upon the College or individual members of the College community are prohibited. Students who are arrested by municipal, state, or federal

agencies for a drug offense can be sanctioned under the College's Code of Conduct. Students who are convicted of a drug violation can lose their federal financial aid.

### **Ways in Which Incidents Will Be Handled**

If a Resident Director (RD), Resident Advisor (RA), Security Officer, or other employee of Bloomfield College observes individuals using illegal drugs on/off-campus in any form, they are to notify campus security immediately. In the event that such observation occurs within a residence hall based on the odor of smoke which is also a campus-wide fire/safety hazard, a RA or RD will go to the room and knock on the door. If no one answers, the RA or RD may enter the room to investigate. Smoking (of any kind) in residence is a major violation of the College's no-smoking policy and any indicators of possible drug use (drugs, drug portfolio and the odor of marijuana) is a violation of the drug policy. All residents and guests must remain present until the RA, RD, Security, and/or State Police collects all appropriate information from all parties present. This procedure will be the same for any similar complaint.

### **Sanctions for Violation of the Drug Policy**

The possession, manufacture, use, sale, or distribution of a controlled substance or narcotic by a student may subject that individual to a range of disciplinary actions including immediate dismissal from the College and/or legal prosecution under federal, state or local laws.

#### **THE FOLLOWING ARE THE CONSEQUENCES FOR DRUG POLICY VIOLATIONS INVOLVING THE POSSESSION OR USE OF ILLEGAL DRUGS, DRUG PARAPHERNALIA, OR BEING PARTY THERETO:**

**First Offense:** Based on the nature of the incident/violation determined by the College, a resident or commuter student will be subjected to a range of disciplinary actions which can include one or more of the following sanctions: monetary fine no less than \$100; full residential suspension or partial suspension (7-10 days); full restriction from participating in campus programs and activities; possible expulsion from residence and/or expulsion from the College; participation in an alcohol and drug education program; 10 hours of community service; possible parental notification.

**Second Offense:** Based on the nature of the incident/violation determined by the College, a resident or commuter student will be subjected to a range of disciplinary actions which can include one or more of the following sanctions: monetary fine no less than \$200; permanent expulsion from the residence halls for resident students or extended partial suspension for commuter students; full restriction from participation in campus programs and activities; expulsion from the College; participation in an alcohol and drug education program; 20 hours of community service; possible parental notification.

**Third Offense:** Expulsion from the College

#### **THE FOLLOWING ARE THE CONSEQUENCES FOR VIOLATING THE DRUG POLICY WHICH INVOLVES THE MANUFACTURE, DISTRIBUTION, POSSESSION WITH INTENT TO SELL, SALE OF ANY ILLEGAL DRUGS, OR BEING PARTY THERETO:**

**First Offense:** Based on the nature of the incident/violation determined by the College, a student will be suspended for at least one full academic semester (fall or spring terms only); or expelled from the College. For any questions regarding the College Drug Policy, please contact the Office of Student Affairs at 973-748-9000, ext. 1245.

### **Applicable Legal Sanctions: Local, State, and Federal Laws**

Local, state, and federal laws which apply to illegal possession, manufacture, use or distribution of drugs (prescription drugs without a prescription or over the counter drugs); involvement of illegal drug use or traffic with minors will be fully enforced at Bloomfield College. The College will refer offenders for the prosecution to the appropriate municipal, state, or federal agencies. Infractions to the College's drug policy may result in prosecution by such authorities. In cases involving prosecution by federal, municipal and state authorities, the College reserves the right to impose disciplinary actions whether infractions occurred on or off the College campus. Students with concerns about drugs may contact the Office of Student Affairs for counseling and referrals. Students who violate the College's drug policy will be encouraged to enroll in local area drug programs. In some cases, the requirement, recommendation, and encouragement of counseling may accompany disciplinary sanctions. The College may notify a student's parent(s) following any serious violation of the College's Drug Policy, especially in cases where a student's or other individual's safety and wellbeing is compromised. Any student charged with a violation may petition for an appeal through the Student Affairs Office.

### **Handling Impaired or Intoxicated Persons**

It is the primary responsibility of those in the presence of a severely impaired/intoxicated person to contact the appropriate College or local medical or safety personnel. These may be Resident Directors & Advisors, Director of Residential Education and Housing, Deans, Health Service/Wellness staff, local police, or members of the rescue squad. Intoxication or severe impairment can be grounds for disciplinary action. Contacting the Security Office for assistance in transporting a student in need of medical attention will not lead to disciplinary action. Disciplinary action will occur only if other circumstances indicating a violation of College policy are observed. In such cases, the fact that students initiated a call for assistance will be considered a mitigating circumstance.

The College is always concerned first and foremost with the safety of its students. When confronted with a person who has consumed excessive amounts of alcohol or drugs, it is important to obtain professional medical care immediately. Check to see if the person is breathing, feel the abdomen for movement or put your hand near the mouth and feel for air movement. If the person cannot be aroused easily, call the Security Office at 973-748-9000, ext. 1366, who will then notify the Bloomfield Police for medical transport. If the person is non-responsive, call 911 immediately!

### **As Bloomfield College Good Samaritans, below are some important facts to remember:**

In the event of an emergency, you should not leave a person alone, maintain an unobstructed airway, and check on him/her often. If the person is breathing but is sleepy, turn him/her on his/her side or stomach so she/he will not choke if vomiting occurs. Do not place the person in a cold shower because it can cause the person to go into shock.

If the person becomes violent, call 911 and notify Security at ext. 1366 or 1-800-809-2222. Again, do not leave the person alone. If the person is responsive, ask how much she/he has had to drink or if she/he has used any drugs. If the person has consumed excessive amounts of alcohol or used any type of drugs, medical treatment may be needed.

Call the Bloomfield First Aid Squad at 973-680-4147 and wait until they arrive. Please do not leave the person alone. Whenever you are in doubt about how to handle an intoxicated person call Mountainside Hospital Emergency Treatment Facility for medical advice anytime at 973-429-6000 or call the Bloomfield Ambulance Squad for emergency transport or general assistance at 973-680-4147.

All calls are confidential. If all fails, call campus security or dial 911.

## ANTI-BULLYING POLICY

The Bloomfield College Community is committed to upholding the highest standards of ethics, integrity, and professionalism in all its efforts to serve students and employees. The College aims to provide a living and learning community that is supportive, caring, safe, and free of abusive behaviors. Any actions or behaviors which involve forms of abuse or bullying, as defined below, of an individual/group in any capacity will not be tolerated. Anyone experiencing or witnessing bullying is encouraged to report it to the Office of Human Resource (for employees/campus visitors) or the Office of Student Affairs (for students). All allegations will be taken seriously, investigated, and addressed immediately.

Bullying is a form of intimidation and harassment. It is defined as any behavior, deliberate or perceived, usually repeated over a period, where it is difficult for those bullied (i.e., those persons who are the recipients of the intimidation/harassment) to defend themselves. Bullying can occur in a variety of settings, on multiple occasions, and is generally a result of the actions of an individual/group to cause others to feel bad. Bullying involves the abuse of power to threaten an individual/group, causing physical, emotional, and/or mental harm to an individual/group, or frightening or intimidating others.

Some examples of bullying include, but are not limited to, the following abusive behaviors:

**Physical** (e.g. pushing, shoving, kicking, hitting, punching, any use of physical violence or offensive touching)

**Extortion** (e.g. demanding payment in money or other services in-kind)

**Gesture** (e.g. use of disrespectful hand/body gestures)

**Exclusion** (e.g. not allowing another person to be part of a group or activity to which they have a legitimate membership/or are entitled to)

**Verbal** (e.g. spreading stories, gossip, and/or rumors about another person(s) or verbal name calling/harassment)

**Emotional** (e.g. hiding personal property, tormenting/harassing behaviors, threatening gestures, or teasing)

**Discrimination** (e.g. racial/ethnic taunts, discriminatory language/abuse/graffiti/gestures/threats based on race, creed, age, disability, gender, religion, culture, sexual orientation, domestic partnership or civil union status, familiar relationship, marital status, and/or national origin)

**Sexual** (e.g. unwanted physical contact and/or sexually abusive comments/language/behavior)

**Defamation** (e.g. includes unprivileged oral, written, or electronic publication of a statement that one knows or should know is false, which exposes a person(s) about whom it is made to, acts of hatred, contempt, or ridicule, or subjects that person to loss of the goodwill and confidence of others, or so harms that person's reputation as to deter others from associating with him or her)

**Cyberbullying** (e.g. using internet technology or other electronic communication as a means of bullying in a manner to cause alarm or harm by use of text message; mobile phone pictures/video clips; mobile phone calls; e-mail; chat rooms; instant messaging; websites including blogs and social networking sites like Facebook, My Space, and Twitter)

**Other behavior** (e.g. any behavior that is severe, pervasive, or persistent to interfere with or limit another person's ability to participate in or benefit from the services, resources, and activities at Bloomfield College.

Bullying or abuse in any form is unacceptable at Bloomfield College and will not be tolerated. The Office of Student Affairs and/or the Human Resources Department will investigate all allegations of abuse or bullying. In some cases, the Bloomfield Township Police Department or other external agencies will be notified if the allegation of abuse or bullying is viewed as a criminal act. Students are encouraged to report their own experiences with bullying as well as to report personal observations of the bullying of peers. College employees are required to report their personal observations of bullying of students by individuals and/or groups. Employees are also encouraged to report their own experiences with bullying or observations of bullying of peers.

### **Procedure for Responding to Bullying Reports**

- A written report of the incident will be made by the staff member receiving the allegation of bullying or abuse as soon as possible. If the alleged victim reports the incident, they should also submit a written report. The report should be as factual as possible and contain dates, times, the names of individuals involved, locations, etc.
- The report and statement will be submitted to Student Affairs and/or Human Resources as soon as possible.
- The investigation will commence within 48 business hours of receipt of the report. The investigator will interview the appropriate individuals involved in the incident and follow the guidelines in the Code of Conduct and/or the Staff Handbook regarding appropriate disciplinary actions, which can range from a warning, conduct probation to dismissal/termination from the College. Copies of records from bullying or abuse-related incidents will be kept in both the victim's and bully's files.
- The College will take reasonable and necessary actions to prevent further unwanted contact of the victim(s) by their alleged bully(ies). Such action can include: restricted access to certain areas on the campus; and assistance in changing academic, living, or work situations if such changes are requested, reasonably available and/or warranted.
- Support services will be available to the victim(s) and the bully(ies). If the bully is not dismissed from the College or terminated from employment at the College, both victim(s) and bully(ies) will be referred to Counseling Services, if appropriate.

### **Informing Students/Staff About Bullying Policy**

The College will raise awareness of this Policy and behaviors that constitute bullying and abuse at New Student, Staff, and Faculty Orientation programs, as well as a resident and commuter student forums. The College will annually publish and disseminate copies of this Policy to faculty, staff and students electronically. The Policy will also be available within the College's Policies Brochure for students, Staff/Faculty Handbooks for employees; and on the College's website.

### **CELLULAR PHONES/OTHER DEVICES**

All cellular phones or other devices must be turned off or placed on "vibrate" mode during class and on-campus work hours. If an incoming call interrupts the class, the student should immediately turn it off. Except in the case of an extreme emergency, students should not disturb the class by leaving the room (see disruption or obstruction of college activities in the college catalog) when signaled by a phone. Under no circumstance should students make or receive phone calls during class lectures/discussions or major campus ceremonies and events.

## CAMPUS MINISTERS POLICY

Bloomfield College seeks to promote the presence of a vigorous and diverse religious community on campus, to foster interfaith dialogue, understanding, and co-operation within that community, and to encourage its active participation in the public discourse of the College. To this end, Bloomfield College employs College Chaplain, to direct and encourage spiritual life on the campus and to welcome the presence of a wide range of denominational and non-denominational ministries reflecting diverse faiths and religious traditions.

The Chaplain's Office recognizes that there are many forms of ministry and spiritual expression and that spiritual life works best when members of the community practice their faith with freedom and autonomy. It is, therefore, to be understood that this policy concerns itself only with those who would serve the campus in the specific capacity of Campus Ministers and Auxiliary Ministers. Campus Ministers and Auxiliary Ministers are not employed by Bloomfield College.

The purpose of this policy is to develop and administer a formal process to "recognize" Campus Ministers at Bloomfield College. The College Chaplain will oversee and administer this policy. Campus Ministers are invited to develop ways to serve the pastoral needs of students, faculty, and staff that are in keeping with their religious tenets and in ways that will provide a sense of personal and professional integrity. In so doing, those serving Bloomfield College as Campus Ministers should seek to model mutual respect, love of learning, and care for the common good. In return, the College offers campus ministers an acknowledged role within the College community, honoring their relative autonomy as agents of the religious organizations to which they report.

In keeping with the mission and purpose of Bloomfield College and the core values of the Presbyterian Church (USA), the Chaplain's Office will enthusiastically and energetically support and advocate for the right to self-determination and free expression within individual campus ministries. This arrangement presupposes the College's ability to ensure that the qualifications and actions of its Campus Ministers reflect the highest professional standards for leaders in their own religious communities, that the religious organizations to which they report are in a position to provide adequate accreditation and supervision, and that the College's own standards are met. With this in mind, the Office of Chaplain employs the following guidelines for the recognition of campus ministers:

- All applications for recognition must be accompanied by written approval from a religious council, church, or other official religious governing body. The Chaplain will not consider applications from individuals without the approval and recommendation of a recognized religious body. This endorsement should also include evidence of salary or other compensation and proof of medical insurance for the individual applying for recognition. This information, along with the individual's professional résumé, should be sent to the Chaplain. Recognition is conferred by the Chaplain in consultation with the Associate Dean for Student Development and Support Services, and the Vice President for Student Affairs.
- To be recognized as a *Campus Minister*, one shall normally be:
- Nominated and endorsed by a national or regional religious organization prepared to supervise and assume ultimate responsibility for his or her activity;
- Ordained (or equivalent) and in good standing with a recognized governing religious organization;
- Professionally trained for religious work;
- Experienced in campus ministry or related areas (e.g., work with young adults – ages 18-35, congregational ministry, teaching, etc.);
- Committed to ecumenical and interfaith cooperation;
- Equipped and eager to participate in the intellectual life of an academic community;

- Able to provide character references and willing to submit to a background check.

In addition, campus ministers may function only within programs sponsored by either the Chaplain or a corresponding student religious organization duly established and registered with the College.

- To maintain recognition as a Campus Minister, one is expected to:
- Attend meetings of the Interfaith Ministry Team;
- Provide an annual report to the Chaplain, including evidence of continuing sponsorship by the authorizing body;
- Be guided by the policies and procedures of Bloomfield College, as well as those of Student Affairs and the Chaplain.
- The College provides recognized Campus Ministers with a College identification card, access to the College library, and a College email account. While recognition does not entitle campus ministers to office space, they may reserve and use College space for regular gatherings and special events through the Chaplain or the appropriate student organization.
- In consultation with the Associate Dean of Student Development and Support Services and the Vice-President for Student Affairs, the Chaplain may offer *auxiliary status* for ministers providing limited and well-defined service to a religious student group for a specified period (e. g., a weekly Bible study, group meditation session, or to generate interest in the formation of a new student organization). Auxiliary ministers do not enjoy the privileges of recognized campus ministers and are not necessarily members of the Interfaith Ministry Team.
- The privileges outlined above may be revoked at any time from a minister who fails to live up to these requirements, regardless of recognized status.

## **FIREARMS POLICY**

New Jersey statute prohibits the possession, storing, or use of firearms on any college or university campus in the state. Therefore, firearms, including firecrackers and ammunition, are prohibited on campus. Pellet guns, paintball guns, and air rifle guns are also prohibited.

## **FRAUDULENT DOCUMENTATION POLICY**

All documents and information submitted to the College must be accurate, complete, and true. Submitting documents under false pretenses—falsifying, forging, altering, or mutilating documents in any manner, or submitting documents that are materially incomplete or otherwise deceptive, to any employee of Bloomfield College, is strictly prohibited and will not be tolerated. Anyone found to have submitted or assisted in the submission of fraudulent documents will be subject to sanctions by the College, including withdrawing of admission offers, banning future admission, prohibiting registration, forfeiting course units earned while enrolled under false pretenses, rescinding degrees, suspension or expulsion. Furthermore, expulsion for fraudulent acts does not nullify the students' financial obligations to the College, the federal government, or private loan providers. Students remain liable for all relevant tuition and payment of debts. If, after investigation, the College determines that fraud exists, the College shall take immediate action to halt the fraudulent activity and impose disciplinary sanctions. If a criminal activity has occurred, the College shall report the activity to the appropriate oversight agencies and/or law enforcement officials.

Fraudulent acts include, but are not limited to:

- Submission of transcripts, diplomas, test scores, references, or applications that are forged, altered, materially incomplete, obtained under false pretenses, or otherwise deceptive
- Furnishing fraudulent information in the context of an academic assignment
- Fabricating or altering information or data and presenting it as legitimate
- Providing false or misleading information to an instructor or College staff member
- Copyright infringement
- Misrepresentation of past academic programs, degrees, certifications, or professional accomplishments
- Forging signatures
- Altering transcripts
- Putting one's name on another person's assignments
- Altering exam or assignment grades
- Withholding information relating to admission, transfer credits, academic status, records, etc., including omission of any prior college-level courses
- Receiving payment for services not performed or goods not received
- Use of false or fictitious names, addresses, or SSNs or use of multiple SSNs
- Misreporting information relating to eligibility for funding under Title IV aid programs
- Alteration or use of College documents or instruments of identification with the intent to defraud
- Helping others to give false or fraudulent information to the College

#### *Reporting Procedure*

- To report a case of suspected fraud, complete the Academic Dishonesty Form (available on both full-time and adjunct faculty Blackboard sites) and submit as indicated on the distribution list;
- For cases involving fraud, both the Office of Academic Affairs and Student Affairs will meet with the student. If it is determined that fraud was committed or likely committed;
- The case will be forwarded to the Bloomfield College attorney for review for legal purposes and the VP for Finance and Administration for financial impact.
- Consequences will be determined based on the outcomes of each review.

### **FUNDRAISING**

No student group may collect funds for its use or for any community or charitable purpose without the permission of the Director of the Center for Student Leadership and Engagement or appropriate college official, who will advise the group of requirements for financial responsibility.

### **GAMBLING**

Students are expected to abide by the state and local laws regarding gambling. Gambling is not permitted on campus.



## NASAL NARCAN PROCEDURE

Purpose: The purpose of this procedure is to clarify and establish guidelines and regulations governing the utilization of the Nasal Narcan administered by Bloomfield College Campus Safety and Security personnel with the primary objective to treat and reduce fatal opioid overdoses.

### Policy

Bloomfield College Campus Safety and Security personnel will be required to complete appropriate hours of training on the usage and deployment of Nasal Narcan in accordance with the laws of the State of New Jersey, specifically the Overdose Prevention Act, N.J.S.A. 2C:35-30 and 2C:35-31.

### Definitions

**Opiate:** An opiate is a medication or drug that is derived from the opium poppy or that mimics the effect of an opiate (synthetic opiate). Opiate drugs are narcotic sedatives that depress the activity of the central nervous system, reduce pain, and induce sleep. Common, but not restricted to, are morphine, methadone, codeine, heroin, fentanyl, oxycodone (OxyContin®, Percocet®, and Percodan®) and hydrocodone (Vicodin®).

**Naloxone:** Commonly known as “Narcan” or “Nasal Narcan” is an opiate antagonist. When a person is overdosing on an opioid, breathing can slow down or stop, and it can be very hard to wake them from this state. Narcan® is a prescription medicine that displaces the opioid from receptors in the brain and can, therefore, reverse an opiate overdose. If given to a person who has not taken opioids, it will not have any adverse effects on them.

**Opioid Overdose:** Due to their effect on the part of the brain which regulates breathing, opioids in high doses can cause respiratory depression and death. An opioid overdose can be identified by a combination of three signs and symptoms referred to as the “opioid overdose triad”. The symptoms of the triad are pinpoint pupils; unconsciousness; and respiratory depression.

### Procedure

**A Campus Safety and Security Officer** on roaming patrol in the campus security vehicle will be assigned a Medicine Case (Med Case) and First Aid Kit. The Med Case and the First Aid Kit will always remain in the vehicle . Nasal Narcan may be damaged by extreme temperatures, both high and low. Due to this fact, consideration should be given to storing the Narcan in the interior of a patrol vehicle when these conditions exist and taking the Narcan from the vehicle and storing it inside Campus Safety and Security Office when the vehicle is not in use.

**Nasal Narcan Coordinator:** The Director of Campus Safety and Security will serve as the designated Nasal Narcan Coordinator. The Assistant Director and other shift supervisors will serve as Secondary Coordinators. The Nasal Narcan Coordinator shall be responsible for the following:

- Ensuring that the Nasal Narcan is current and not expired.
- Proper and efficient deployment of Nasal Narcan for patrol.
- Replacement of any Nasal Narcan that is damaged, unusable, expired, or deployed.
- Coordinating training for all personnel responsible for monitoring and deployment of Nasal Narcan.
- Ensure that any deployment of Nasal Narcan to a subject is documented in a Campus Safety and Security Report.

- Disseminating any report of deployment to the County Prosecutor within 24 hours (County Nasal Narcan Coordinator).

### **Nasal Narcan Usage**

When using the Nasal Narcan kit, Campus Safety, and Security Officers will maintain universal precautions, perform patient assessment; determine unresponsiveness, absence of breathing, and or pulse. Officer(s) must report to the main Security Office/Campus Operator that the subject is in a potential overdose state. The Security Office/Campus Operator will notify the Bloomfield Police Department by dialing 911. The Campus Safety and Security Officer on site will follow the protocol as outlined in the Nasal Narcan training. Officer Nasal Narcan Deployment Protocol:

- Identify and assess the victim for responsiveness, pulse, and status of breathing.
- If no pulse, initiate CPR and AED as per normal protocol; notify incoming EMS.
- If a pulse is present and the victim is unconscious, assess breathing status.
- If breathing is adequate (>8 per minute, and skin not bluish/grey) and no signs of trauma, place in the recovery position.
- If breathing is decreased or signs of low oxygen (bluish/grey in color) and overdose is suspected (based on history, evidence on scene, bystander reports, physical examination) then proceed with Narcan administration
- Retrieve Narcan kit
- Assemble kit
- Administer a maximum of 4mg in each nostril, using the mucosal atomizer device
- Initiate breathing support with a pocket mask or bag-valve-mask and oxygen, if available.
- If no response after 3-5 minutes and the second dose of naloxone is available, repeat the administration in the opposite nostril, a maximum of 4 mg.
- Continue to monitor breathing and pulse – if breathing increases and there is no evidence of trauma, place in the recovery position
- If at any time pulses are lost, initiate CPR and AED as per normal protocol
- Keep responding EMS advised of patient status when able to do so
- Give a full report to EMS when they arrive
- Complete documentation and internal department procedures for restocking and notification

***NOTE:** When a Campus Safety and Security Officer deploys nasal Narcan and it results in the resuscitation of an overdose victim, that officer should ensure that person receives appropriate follow-up care. The effects of Narcan only last for a limited period and the person may experience another opiate overdose when the effects of the Narcan wear off. As such, every effort should be made to encourage that person to be transported to the hospital for additional care. If the person refuses additional care, police should ensure that person is taken to a medical facility by ambulance. Bloomfield Police and EMT procedures must be followed.*

### **Maintenance/Replacement**

- An inspection of the Nasal Narcan Kit shall be the responsibility of the personnel assigned the equipment and will be conducted each shift.
- Missing or damaged Nasal Narcan kit(s) will be reported directly to the Director of Campus Safety and Security.

- Where any condition that necessitates the Nasal Narcan kit to be taken offline or be submitted for replacement, this information shall be directed to the Director of Campus Safety and Security. It should be noted that Narcan has an expiration date per the manufacturer. As such, all personnel assigned Narcan shall be responsible for checking the expiration date of the product. If expired, the Director of Campus Safety and Security shall be notified immediately to order a replacement.

**Replacement:** The Director of Campus Safety and Security shall be responsible for the replacement of Nasal Narcan and ensure that adequate supply is available for patrol use.

### **Documentation/Nasal Narcan Report**

Upon completing the medical assistance, the Director of Campus Safety and Security shall submit the Essex County Nasal Narcan Deployment Report detailing the nature of the incident, the care the patient received, and the fact that the Nasal Narcan was administered. The report will be forwarded to the Essex County Prosecutors' Office. These records must be completed for statistical value and tracking of the Nasal Narcan administrations by Public Safety personnel.

## **PREGNANCY-RELATED CONDITIONS POLICY**

### **Introduction**

Bloomfield College does not discriminate based on sex in its academic programs or activities. Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination based on sex in education programs or activities. The College's policy is to ensure that all students of Bloomfield College have a work and learning environment free of any type of unlawful discrimination. Sex discrimination based on pregnancy, marital status, or parental status is prohibited and illegal in admissions, educational programs and activities, extracurricular programs and activities, and the administration of leave policies. Bloomfield College hereby establishes policy and procedures for ensuring the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, such as childbirth, false pregnancy, termination of pregnancy, or related conditions, including recovery.

### **Scope**

This policy applies to all aspects of Bloomfield's program, including admissions, educational programs, and activities, hiring, leave policies, employment policies, and health insurance coverage.

### **Definitions**

- Medical necessity is a determination made by a health care provider of a student's or employee's choosing.
- Pregnancy and pregnancy-related conditions include (but are not limited to) pregnancy, childbirth, false pregnancy, and recovery from any of these conditions, in accordance with federal law.
- Pregnant student/birth parent refers to the student who is or was pregnant. Although the pronouns "she" and "her" are used herein, this policy and its pregnancy-related protections apply to all pregnant persons regardless of gender identity or expression.
- Reasonable accommodations for the purposes of this policy are changes in the academic environment or typical operations that enable a pregnant student or student with a pregnancy related condition to continue to pursue their studies and enjoy equal benefits of the College.

### **Pregnant Students**

It is our policy to ensure the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, such as childbirth, false pregnancy, termination of pregnancy, or related conditions, including recovery. The following procedures are intended to meet this policy to the fullest extent required by law.

### **Reasonable Accommodation**

The benefits and services provided to students affected by a pregnancy, childbirth, false pregnancy, termination of pregnancy, or related conditions, including recovery, shall be no less than those provided to students with temporary medical conditions. Bloomfield and its faculty, staff, and other employees shall not require a student to limit their studies due to pregnancy or pregnancy-related conditions. Students with pregnancy-related disabilities are entitled to reasonable accommodations so they will not be disadvantaged in their courses of study or research. Any student in need of accommodation is encouraged to contact the Disabilities Services Coordinator at <http://www.bloomfield.edu/academics/academic-centers/special-programs/disabilities>.

Reasonable accommodations may include but are not limited to:

- Accommodations requested by the pregnant student to protect the health and safety of the student and/or their pregnancy (such as allowing the student to maintain a safe distance from hazardous substances)
- Modifications to the physical environment (such as accessible seating)
- Mobility support
- Leaves of absence
- Excusing medically-necessary absences
- Extending deadlines and/or allowing the student to make up tests or assignments missed for pregnancy-related absences

Accommodations for pregnancy-related issues may be requested through the Office for Students with Disabilities (OSD) Coordinator. To ensure ample time to plan for necessary accommodations, we ask that students submit requests at least 30 days in advance of the need for an accommodation, or as soon as is practicable in the case of an emergency. However, we will grant extensions as necessary for disabilities arising as a result of pregnancy or related conditions on a case by case basis. Students should be aware that due to programmatic requirements, there is very little flexibility available for clinical programs (teaching, nursing, etc.).

### **Parenting Students**

The policy outlined below applies to students who have recently experienced the birth, adoption, or placement of a child. This policy will be applied in the same manner to male and female parenting students. Parenting students may opt to modify their academic responsibilities or take a leave of absence, depending on their circumstances. Both options are described in detail below.

### **Modified Academic Responsibilities for Parenting Students**

Any potential modifications of academic responsibilities for students with parenting responsibilities will be addressed by College faculty on a case by case basis. Students should be aware that due to

programmatic requirements, there is very little flexibility available for clinical programs (teaching, nursing, etc.).

### **Academic Status, Incomplete or Leave of Absence**

Students/ new parents who have received a modified schedule will retain their enrollment status throughout the schedule. If desired, the student/ new parent may request either an incomplete for a class or a leave of absence through the regular process with the Office of the Registrar. Faculty or staff may not require a student to take an incomplete, a leave of absence or withdraw from or limit their studies due to pregnancy, childbirth, or related conditions.

An enrolled student may elect to take a leave of absence for up to one academic year because of pregnancy and/or disability; the birth, adoption, or placement of a child. The leave term may be extended in the case of extenuating circumstances or if medically necessary due to the health of the student.

A student taking a leave of absence under this policy shall provide notice of the intent to take leave 30 days prior to the initiation of leave, or as soon as practicable. Intermittent leave may be taken with the advance approval of the student's department, or when medically necessary due to the student's health condition. Students who elect to take leave under this policy may register in an inactive or "on-leave" status to continue their eligibility for certain benefits. While registered in that status, students who choose to take a leave of absence under this policy can elect to keep their health insurance policy and continue residing in university housing, subject to the payment of applicable fees.

Upon return from leave, the student will be reinstated to his or her program in the same status as when the leave began. Continuation of the student's scholarship, fellowship, or similar university-sponsored funding during the leave term will depend on the student's registration status and the policies of the funding program regarding registration status. Students will not negatively impact or forfeit their future eligibility for their scholarship, fellowship, or similar university-supported funding by taking leave under this Policy.

### **Compliance with College Guidelines, Deadlines, and Procedures**

Students/new parents are expected to abide by all guidelines, procedures, and deadlines for tuition; room/board fees; and other educational expenses. Please visit the college catalog to review deadlines for tuition/fee payments for the current academic semester or summer/winter session.

### **Retaliation and Harassment**

Harassment by any member of the Bloomfield community based on sex, gender, gender identity, gender expression, pregnancy, or parental status is prohibited. Faculty, staff, and other Bloomfield employees are prohibited from interfering with a student's taking leave, seeking a reasonable accommodation, or otherwise exercising her rights under this policy. Faculty, staff, and other Bloomfield employees are prohibited from retaliating against a student for exercising the rights articulated by this Policy, including imposing or threatening to impose negative educational outcomes because a student requests leave or accommodation, files a complaint, or otherwise exercises their rights under this Policy.

### **PRINTING POLICY**

Bloomfield College has provided unrestricted printing for many years. The past few years have seen a steady increase in printing volume and cost. Several universities across the nation have successfully implemented print quotas to reduce waste and cut costs.

## **Policy**

- Students will be restricted to printing a total of 500 pages per semester (fall and spring) and 250 pages for summer enrollment.
- Print quotas will roll over from fall semester to spring for students who remain registered and enrolled in classes.
- Cutoff dates for semesters are as follows: Fall-December 31st, Spring-May 31st, Summer-August 20th.
- This policy will affect all lab printers and any printers on the student domain.
- This quota system will be implemented with the start of the concurring fall semester.
- Currently, all users abide by the same restrictions.
- Refunds/credits will not be given, as the limit is set accordingly to a comfortable level per semester, judging by surveys taken from previous semesters.
- Additional paper may be purchased through the Bursar's Office for the current semester. Refunds cannot be issued for unused paper at the cutoff date.

Please be mindful of what you print to ensure the following does not occur:

- Printing to the wrong printer
- Not picking up job from a printer
- Printing a wrong document
- Printing with the wrong orientation (landscape vs. portrait)
- Multiple copies of the same document (when only one was desired)
- Failure to logoff and another student uses your account
- Print jobs delayed several minutes due to heavy user load
- Print jobs that are lost or thrown away

Bloomfield College strives to provide reliable and error-free printing services. We realize that some printing problems are unavoidable. Most printing problem reports we receive however are due to user error, therefore we are unable to grant refunds. For assistance with printing issues, please contact the Information Technology Helpdesk at [Helpdesk@Bloomfield.edu](mailto:Helpdesk@Bloomfield.edu).

## **PROTOCOL ON COVID-19**

Bloomfield College continues to enforce appropriate safety protocols related to the COVID-19 pandemic. The College is prepared to take all appropriate precautions to assure the personal safety of every member of the community as it plans to fully reopen in the fall of 2021. Students and all employees and visitors must follow all current CDC and State of New Jersey Guidelines in all public and shared spaces on campus. The College will also continue disinfection/cleaning and personal safety practices in all campus facilities. Please visit the College's webpage to review the complete details of the COVID-19 Protocol.

## **SERVICE ANIMAL AND THERAPY/COMFORT ANIMAL POLICY**

### **Policy Statement:**

Bloomfield College recognizes the diversity of access needs for all disabled students and employees and complies with the Rehabilitation Act of 1973 (section 504), Americans with Disabilities Act of 1990

(ADA) as amended by the ADA Amendments Act of 2008 (ADAAA) (Effective January 1, 2009), the Fair Housing Act, and the New Jersey Law Against Discrimination (LAD).

The College will make every reasonable effort to accommodate the needs of disabled individuals and provide reasonable measures to meet specific disabilities, including the use of service or therapy animals while on College property or during College activities. This policy follows existing ADA and LAD guidelines and defines the context, rules and required documents to request approval for the use of a service or therapy animal on campus, within college facilities, or at College events and while the service animal is working on/or residing on campus.

### **Definitions:**

**Partner/Handler:** A person with a service animal who has a disability is called a partner. A person working with a service animal without a disability is called a handler.

**Pet:** A pet is a domesticated animal that only serves the role of providing a sense of pleasure/leisure companionship to its owner. Pets are not the same as service/therapy animals and are not accorded the same legal status as service animals. Pets are not permitted in any on or off-campus facility, which includes residential facilities. If pets are found in any on/off-campus facility, it is a violation of College policy.

**Service Animals:** The U.S. Department of Justice defines service animals as animals (dog or miniature horse) that are individually trained to perform specific tasks for people with disabilities such as guiding people who are blind; alerting people who are deaf; pulling wheelchairs; alerting or protecting individuals who are about to or are experiencing a seizure; or other specific tasks related to an individual's specific disability needs. Service animals may perform such tasks as guiding/pulling wheelchairs; turning lights on/off; retrieving objects from the floor or other location; opening doors; pushing buttons on elevator doors; providing assistance to an individual who has fallen out of a wheelchair; reminding a person to take prescribed medications; and calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack.

**Therapy/Comfort Animal:** An animal that provides comfort and affection to people with diagnosed needs for such emotional support in a residential setting. Therapy animals typically have an even temperament, obey commands, and behave well in the presence of both humans and other animals.

### **Types of Service Animals:**

Service animals include, but are not limited to:

**Guide Dog:** An appropriately trained dog that guides a blind or visually impaired individual, helping the disabled individual to avoid obstacles and crossing streets, etc.

**Hearing Dog:** An appropriately trained dog that provides a sense of sound for a deaf individual by alerting the individual to smoke alarms, fire alarms, door knock or bell, the ringing of a telephone, alarm clock, kitchen timer, etc.

**Service Dog:** An appropriately trained dog that provides strength and movement for a disabled individual with muscular dystrophy, multiple sclerosis, cerebral palsy, and/or congenital abnormalities. They perform tasks for their partner.

**Seizure Alert Dog:** An appropriately trained dog that may provide protection for an individual during a seizure. The dog may be trained to go for help and may have been successfully trained to recognize and communicate specific changes in the individual preceding a seizure and alert the individual to an impending seizure by barking or whimpering.

**Diabetic Alert Dog:** An appropriately trained dog that gives a signal to alert its partner to low or high blood sugar levels.

**Miniature Horse:** Appropriately trained small horse usually less than 34–38 inches in height that guides a blind or visually impaired individual, helping the disabled individual to avoid obstacles and crossing streets, etc.

### **Types of Therapy/Comfort Animals:**

**Therapy Animal:** An animal that provides comfort and affection to people with diagnosed needs for such emotional support in a residential setting. Therapy/comfort animals typically have an even temperament, obey commands, and behave well in the presence of both humans and other animals.

### **Documentation Requirements:**

**Students:** A disabled student requesting a service animal must register with the Office of Disability Services with an explanation of the specific tasks to be performed by the service animal, except where the student's disability or the task the animal will perform are readily apparent. The student must also produce certification from a veterinarian that the service animal is properly vaccinated and does not have a contagious disease that may harm students or staff; and (2) documentation that any license required by the municipality in which the student resides has been obtained for the service animal. Students planning on residing in the College's residence halls must notify the Office of Residential Education and Housing and the Office of Disability Services immediately of their need for a service animal.

- Approval for therapy/comfort animals on campus will be granted only to resident students who provide documentation of the emotional need from a clinical licensed mental health professional. The request and documentation must be presented to the Office of Disability Services for approval. Requests will be evaluated on a case by case basis. Once approval is granted, the Coordinator of Disability Services will inform the Residential Education and Housing Office of the specific guidelines for the requested accommodation.
- The Office of Residential Education and Housing reserves the right to determine if the requested animal is appropriate for residence at the student's assigned residential facility. The animal must meet all local, state, and federal guidelines. New Jersey law prohibits a person to possess a potentially dangerous species as a "pet." Potentially dangerous species include the following orders: Primates; Carnivora (non-domestic dogs and cats, bears); Sauria (venomous gila monsters); Serpentes (venomous coral snakes, cobras, vipers, pit vipers); Crocodylia (alligators, crocodiles, gavials); Psittaciformes (ring-necked and monk parakeets); and Rodentia (prairie dogs, ground squirrels). Requests will be evaluated on a case by case basis.

**Employees:** An employee who requires a service animal to perform the essential functions of the job should present his or her request to the Director of Human Resources and the Coordinator of Services for Disabilities. The request must be supported by documentation from a licensed physician, which contains a clear explanation of the nature of the services to be performed by the animal. An employee who requires a therapy animal to perform the essential functions of the job should present his or her request to the Director of Human Resources and the Coordinator of Services for Disabilities. The request must be supported by documentation from a licensed mental health professional, which contains a clear explanation of the nature of the employee's mental condition and the need for a therapy animal.

**Visitors:** A visitor who requires the assistance of a service animal does not have to register with or provide documentation to the Office of Disability Services but must report to Campus Security who



will provide the visitor with a copy of this policy. Campus Security can be reached in the guard booth at (973) 748-9000 extension 1366 or through the Campus Security Office located at 225 Liberty Street – Lower Level.

*Animal:*

**Licensing:** The service animal must meet all of the licensing requirements of the community (e.g., Bloomfield Township) in which the animal resides and must wear, at all times, the tags required by the home municipality.

The animal must be licensed as a service animal from a certified service animal training organization.

**Health Records:** The service animal must have, and the disabled individual must provide to the Office of Disability Services, a certification from a licensed veterinarian dated within the last calendar year that the service animal is properly vaccinated and does not have a contagious disease that may harm students or staff. The record of vaccinations shall be included with the certification. The certification and proof of vaccinations must be provided to the Office of Disability Services on an annual basis if the animal's tags are not visibly attached to its collar. The animal must be well-groomed, and measures should be taken by the owner for flea, tick, and odor control. The animal's owner must be considerate of other members of the college community when providing maintenance and hygiene assistance to the animal.

**Insurance:** The College strongly recommends that the student/employee purchase and show evidence of liability insurance coverage for the service/therapy animal. The student or employee will accept full responsibility for any and all damages caused to persons or property by the animal.

**Control Requirements:**

The service/therapy animal must be on a leash at all times. The animal should never be permitted to wander about off the leash except in those situations in which the animal is working.

The partner/handler **must always be in full control of the animal** and cannot leave the animal unattended for an extended period (not travel home or to another campus location while the animal is unattended). At all times, whether on the leash or not, the service or therapy animal shall be in the immediate custody of the partner/handler. Service or therapy/comfort animals are **prohibited from kitchens and food preparation areas** except those in residence facilities; and are not prohibited from any other areas of the campus community.

The partner/handler is responsible for cleaning up after the animal (including, but not limited to, proper removal of fecal matter from campus grounds and placed into an appropriate trash container)

The partner/handler is responsible for any damage caused by the service animal. See N.J.S.A. 10:5-29.c.; N.J.A.C. 13:13-4.3(c).

The partner/handler will also assume all liability if the animal bites, attempts to bite, or in any way harms another person or animal while on campus.

The partner/handler must follow all campus rules and regulations including rules prohibiting disruption in the class- room. Classroom disruptions can result in College sanctions included in the Standards of Conduct or College Policy Brochure; or removal from any location on campus.

In the event of a violation of the control requirements, the College reserves the right to investigate the violation to determine the best course of action to remedy the situation.

**Emergency Situations:**

In an emergency, every effort will be made to keep the partner/handler and animal together. Campus staff will be trained to recognize a service/comfort animal. Staff will be made aware that a service animal can attempt to communicate a need for assistance. Staff should also be mindful of the protective nature of the service animal in relation to the partner, and confusion and/or agitation that may be triggered by the emergency. Every reasonable attempt to notify the Police, Fire Department, and/or EMS personnel will be made by the College about the service animal on the premises during an emergency event.

### **Exclusion from Campus:**

Based on the results of an investigation, an animal may be excluded from campus for the following reasons:

- Disruptive behavior including, but not limited to, barking, whining, growling, wandering, sniffing (people, tables in eating areas, other people's belongings) initiation of contact with others without a partner's/handler's permission, disruptive interactions with other animals, including other service or therapy animals;
- Illness;
- Poor hygiene such as strong odor, evidence of having fleas/ticks, etc.;
- An animal is not on a leash or otherwise under the partner's/handler's immediate control;
- Obstruction of aisles or passageways;
- Aggressive behavior;
- An animal is deemed dangerous according to NJ regulations on dangerous species;
- Animal creates a conflict of disabilities such as allergic reactions; fear/anxiety for others; and a threat to personal health and wellbeing of other individuals; and,
- Other conditions that place an undue burden on the College.

### **Campus Etiquette:**

Students and campus personnel should not:

- Prevent a service/therapy animal from accompanying its partner/handler as they move about campus;
- Pet, touch, talk to, feed, or otherwise interfere with or distract the service/therapy animal;
- Startle, tease, or taunt the service/therapy animal; or,
- Attempt to separate the service/therapy animal and its partner and/or handler.

### **Conflicting Disabilities:**

Persons with conflicting disabilities, i.e. asthma or other respiratory illness, allergies, should contact/register with the College's Office of Disability Services and provide medical documentation citing the nature of the disability, seriousness of the disability, and the nature of the conflict. The resolution of the student/staff concern will consider the disability needs of the parties involved and provide reasonable accommodations to address the needs of both individuals.

### **Appeal Procedure:**

Appeals concerning this policy may be addressed through the Office of Disability Services.

## SEXUAL MISCONDUCT POLICY

### **PART I: GENERAL POLICY PROVISIONS**

#### **A. Notice of Non-Discrimination and Statement of Policy**

Bloomfield College (the “College” or “Bloomfield”) is committed to maintaining a safe learning, working, and living environment. In accordance with Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Title IV of the Civil Rights Act of 1964 (“Title VII”), the New Jersey Campus Sexual Assault Victim’s Bill of Rights Act, and all other applicable laws, Bloomfield College is committed to providing a safe community, free from all forms of sex discrimination, including sexual harassment. In accordance with Title IX, the College does not discriminate on the basis of sex in its educational programs and activities that it operates, including admissions and employment. The College is required by Title IX not to discriminate in such a manner. Under Title IX, discrimination on the basis of sex includes sexual harassment as defined below.

Any inquiries about the application of Title IX may be referred to the College’s Title IX Coordinator, the U.S. Department of Education’s Assistant Secretary for Civil Rights, or both.

Susan Dacey  
Bloomfield College Title IX Coordinator  
467 Franklin Street, Knox Hall, Room 206  
Bloomfield, New Jersey 07003  
(973) 748-9000 Extension 1440  
(973) 743-3998 (Fax)  
[susan\\_dacey@bloomfield.edu](mailto:susan_dacey@bloomfield.edu)

U.S. Department of Education  
Office for Civil Rights  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Telephone: 1-800-421-3481  
Fax: 202-453-6012; TDD: 1-800-877-8339  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

The College has established this Sexual Misconduct Policy (the “Policy”) to promptly and equitably address allegations of “sexual misconduct” including: all forms of sex/gender-based discrimination, sex/gender-based harassment, all forms of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and any other form of non-consensual sexual act or sexual contact or related misconduct prohibited by this Policy, as well as retaliation as defined herein (collectively referred to as “sexual misconduct”). Bloomfield adopts this Policy with a commitment to preventing sexual misconduct, educating the Bloomfield community with respect to the limits of acceptable conduct, informing the Bloomfield community about the available resources and procedures for reporting allegations of sexual misconduct, and establishing clear standards and procedures by which allegations of sexual misconduct will be addressed.

#### **B. Title IX Coordinator**

Inquiries regarding this Policy or the laws covered in this Policy may be made to the College’s Title IX Coordinator. Any member of the Bloomfield community who believes that they have been

the victim of sexual misconduct is encouraged to immediately report it to the College's Title IX Coordinator using the contact information provided above.

The Title IX Coordinator is responsible for monitoring compliance with Title IX; coordinating and providing education, training, and notifications of sexual misconduct; overseeing reports, complaints, and formal complaints of sexual misconduct; overseeing the investigations, responses, proceedings, and resolutions of all complaints and formal complaints of sexual misconduct; and overseeing the responses to incidents of sexual misconduct. The Title IX Coordinator is available to meet with any member of the Bloomfield community to discuss this Policy. The Title IX Coordinator is free from bias and conflicts of interest to oversee the implementation of this Policy. Concerns involving bias or conflicts of interest by the Title IX Coordinator may be reported to the Vice President for Finance and Administration. Any concerns of bias or conflicts of interest by any other individual involved in the processes set forth in this Policy should be reported to the Title IX Coordinator.

### **C. Scope of Policy**

This Policy is effective as of **August 14, 2020** and governs all reports, complaints, and formal complaints of sexual misconduct made on or after such date. Any reports and complaints made prior to the effective date will be reviewed under the College's prior Sexual Misconduct Policy.

The fundamental objective of this Policy is to address all forms of sexual misconduct, including sex discrimination, as well as retaliation. Allegations of a violation of this Policy are addressed under "Process A" or "Process B," as determined by the Title IX Coordinator. Process A only applies to qualifying allegations of sexual harassment under Title IX ("Title IX sexual harassment"), including sexual assault, dating violence, domestic violence, and stalking. Process B applies to all other forms for sexual misconduct, including sexual harassment that the Title IX Coordinator determines does not fall within Process A, as well as retaliation.<sup>1</sup> Reports, complaints, or formal complaints that may be subject to Process A or Process B may be resolved under the informal grievance process set forth in Part III of this Policy, if applicable. **Please see the Appendix to this Policy for the definitions applicable to this Policy.**

Other forms of discrimination and harassment, including discrimination and harassment based on race, religion, disability, and any other protected class other than sex/gender are governed by the College's Non-Discrimination and Anti-Harassment Policy. This Policy supersedes any information contained in that policy, if applicable, with respect to the definitions or procedures relating to sexual misconduct, as defined herein. An individual who has a question about which policy applies may contact the College's Title IX Coordinator. Any requests for accommodations due to a disability can be raised with Ms. Margaret Adams, Coordinator of Services for Students with Disabilities via email at [margaret\\_adams@bloomfield.edu](mailto:margaret_adams@bloomfield.edu).

This Policy applies to all members of the Bloomfield community. In this Policy, the "Bloomfield community" includes the College's students, employees, including faculty and staff, prospective

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<sup>1</sup> Complaints of sex/gender-based discrimination and harassment that do not involve Title IX sexual harassment will also be covered under Process B.

students and employees, and other parties affiliated with the College by reason of employment or education and within the College's control. Each member of the Bloomfield community is expected to assist in maintaining a working and learning environment that is free of sexual misconduct at the College.

**D. Jurisdiction of Policy**

This Policy applies to sexual misconduct that occurs during the College's education programs and activities, and therefore covers all the operations of the College,<sup>2</sup> such as academics and extracurricular activities, and may also include computer and internet networks, digital platforms, and computer hardware or software owned by, operated by, or used in the operations of the College. This Policy covers conduct that occurs on-campus, in College provided housing, and any other property owned or controlled by the College, as well as off-campus at programs and activities sponsored by the College, including study abroad. Any online postings or other electronic communications will be in violation of this Policy the same as any other verbal, written, or physical conduct addressed in this Policy. Irrespective of where the sexual misconduct took place, the College will assess all reports, complaints, and formal complaints to determine whether the sexual misconduct took place during its education program or activity or has a continuing effect on campus or in an off-campus sponsored program or activity.

Members of the Bloomfield community are subject to this Policy. When the Respondent is not a community member or the Respondent's identity is not known, the Title IX Coordinator will provide appropriate resources and support options to the Complainant. The College may also prohibit individuals from College programs or activities in order to protect the Complainant or the College community.

**E. Prohibition Against Retaliation**

The College prohibits any form of retaliation as defined herein. Unless the form of retaliation constitutes Title IX sexual harassment, which would be addressed under Process A, all reports and complaints alleging retaliation under this Policy or the laws covered by this Policy should be addressed under Process B. The following constitutes "retaliation":

**1. Title IX Retaliation<sup>3</sup>**

The College will not tolerate intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because an individual has made a report or complaint, testified, assisted, participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual misconduct but arise out of the same

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<sup>2</sup> For the purposes of Title IX sexual harassment (34 CFR §§ 106.30, 106.44 and 106.45), "education program or activity" includes locations, events, or circumstances over which the College exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and any building owned or controlled by a student organization that is officially recognized by the College.

<sup>3</sup> Complaints alleging retaliation may be filed according to the grievance process for sex discrimination required to be adopted under 34 C.F.R. § 106.8(c), which is Process B under this Policy.

facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of Title IX sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a proceeding does not constitute retaliation under this Policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

## **2. Title VII Retaliation**

In accordance with Title VII, the College will not discriminate against any of its employees or applicants for employment because of the employee's or applicant's opposition to any practice made an unlawful employment practice by Title VII, or because the employee or applicant made a charge, testified, assisted, or participated in any investigation, proceeding, or hearing under Title VII.

### **F. Prohibition on Consensual Relationships**

Bloomfield College prohibits sexual or romantic relationships between and among individuals (students and employees, including faculty and staff) who are in positions of unequal authority or power, as well as where there is a potential for a conflict of interest, favoritism, and/or exploitation of power. These relationships include instructor-to-student; supervisor-to-subordinate; or any other relationship between two individuals where one individual has the authority to make or influence decisions which directly or indirectly impact the other individual's employment or educational experiences or advancement, extracurricular or athletic team participation, scholarship or financial support, grades, recommendations, wage status, or promotion at the College, regardless of consent. A staff member or faculty member's relations with students shall be limited to those that are consistent with and necessary to the performance of the staff member or faculty member's duties as an employee of the College. If anyone is promoted into a position that results in a conflict with this Policy restricting consensual relationships, this information must be reported to the Title IX Coordinator immediately.

### **G. Upstander/Bystander Intervention**

The Upstander/Bystander Intervention refers to a person who takes safe, reasonable, and prudent actions to prevent or stop an act, or potential act, of sexual misconduct as defined in this Policy. Intervention includes simple statements, words of caution, offers of assistance, removing someone from a situation, or calls for assistance. The College encourages members of the Bloomfield community to immediately seek assistance from Bloomfield College Security located on the lower level of Schweitzer Hall (extension 1366); the Office of Student Affairs at 208 Liberty Street (extension 1245); and/or Human Resources in Knox Hall 2<sup>nd</sup> Floor (extension 1440). If off campus, members of the College community should immediately seek assistance from a person in authority or law enforcement. The safety of upstanders/bystanders is a priority. Retaliation against an upstander/bystander violates this Policy and will result in disciplinary action up to and including termination of employment or expulsion from the College.

#### **H. Amnesty for Students Reporting Sexual Misconduct**

The College encourages reporting under this Policy and seeks to remove barriers to reporting. Individuals may be hesitant to report sexual misconduct out of a concern that they, or witnesses to the alleged sexual misconduct, might be charged with a violation of the College's drug and alcohol policies. While the College does not condone such behavior, the College places a priority on the need to address sexual misconduct. The College generally will not hold an individual who, in good faith, reports or is a witness during an investigation of sexual misconduct under this Policy accountable for disciplinary violations that do not place the health and safety of any other person at risk or create a danger to the Bloomfield community. The College retains the right to require individuals to attend counseling or drug/alcohol related courses even in circumstances in which disciplinary conduct will not be pursued under this part.

#### **I. Resources**

- **The College offers mandatory online sexual harassment training for all employees.** Students are offered several on-campus training programs/forums on sexual harassment and sexual misconduct. Specific educational programs are designed for first-year students and parents during the year-long orientation programs.
- **Online sexual misconduct training** will be available to all students and employees. The College also offers anonymous reporting through an online reporting process. The system will notify the user (before they enter information) that entering personally-identifying information may serve as notice to the College for the purpose of triggering an investigation.
- **Campus Conduct Hotline® -- Dial toll-free to 866.943.5787.** Available for use around the clock, seven days a week. Because the *Hotline* is operated by an independent organization, any calls made through this *Hotline* are completely confidential and anonymous. Issues that may arise that can be reported include: discrimination, fraudulent activity, harassment, hate messages, hostile workplace, illegal business activity, NCAA violations, safety and security issues, and bullying.
- **BC TIPS Line: 973-748-9000, ext. 1466** – another source to report anonymous information is the BC Tips Line that is maintained by the Bloomfield College Office of Security.

#### **J. Amendments and Designation**

The most current revision of this Policy supersedes all previously issued revisions and inconsistent verbal or written policy statements. The College reserves the right at any time to change, delete, or add to any of the provisions of this Policy. The College may, at its discretion, designate a trained and experienced individual(s) to act in the place of the Investigator, Hearing Officer, Appellate Officer, and/or facilitator(s) of the informal grievance process in this Policy. If there is such a designation, the parties involved will be promptly informed.

#### **K. Recordkeeping**

For a period of 7 years, the College will maintain records generated in connection with sexual misconduct reports, investigations, disciplinary proceedings, hearings, informal processes, appeals, and the audio, audiovisual recording, or transcript, as well as any determinations regarding responsibility including any disciplinary sanctions imposed on the Respondent, and any remedies

provided to the Complainant. All materials used to train (in connection with Process A) the Title IX Coordinator, Investigators, Hearing Officers, and any individual who facilitates informal grievance processes will also be maintained for at least 7 years.

For a period of 7 years, the College will also maintain records of any responses, including supportive measures, that the College took in response to a report, complaint, or formal complaint of sexual misconduct. In each instance, the College will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the College's education program or activity. If the College does not provide a Complainant with supportive measures, the College will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the College in the future from providing additional explanations or detailing additional measures taken.

## **PART II: REPORTING AND GRIEVANCE PROCESSES, GENERALLY**

### **A. Reporting and Confidentiality**

The College encourages individuals who become aware of an incident of sexual misconduct to report the incident to the College by contacting the Title IX Coordinator. A victim has the option to report or decline to report incidents of sexual misconduct to local law enforcement. The College will assist victims in contacting law enforcement, if requested. The College also provides victims of sexual misconduct the opportunity to discuss the alleged incident with a trained professional on campus. Bloomfield understands that victims of sexual misconduct may wish to discuss the incident with the assurance that the discussion will be confidential. However, certain College employees are required to share information they are aware of regarding sexual misconduct. Different employees on campus have different levels of responsibility to maintain confidentiality. While not all College employees are required to report sexual misconduct, College employees are strongly encouraged to contact and inform the Title IX Coordinator of any such incidents.

#### **1. Reporting to the Title IX Coordinator**

Any individual (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual misconduct) may report incidents of sexual misconduct to the Title IX Coordinator at any time, including during non-business hours, in person, by mail, by telephone, or by electronic mail. The College will confidentially maintain the identities of sexual misconduct reporters, Complainants, individuals who have been reported to be perpetrators of sexual misconduct, including Respondents, and witnesses, except as may be permitted by the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as required by law, or as necessary to conduct proceedings under this Policy.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the College's response to the report. The Title IX Coordinator will not share information with law enforcement without the Complainant's consent, except as required by law, including for purposes of the anonymous statistical reporting under the Clery Act; the



information involves suspected abuse of a minor under the age of 18; or the incident poses a safety risk to the Bloomfield community.

There is no time limit for reporting sexual misconduct. Complainants are encouraged to report any alleged sexual misconduct immediately in order to maximize the College's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation and adjudication. The College's ability to investigate and respond effectively may be reduced with the passage of time. However, reports may be made at any time without regard to how much time has elapsed since the sexual misconduct.

i. Initial Assessment

Upon receiving a report, complaint, or formal complaint of an alleged violation of this Policy, the Title IX Coordinator will commence an initial assessment within 5 to 7 business days:

- The Title IX Coordinator will determine whether the scope of the allegations fall within the jurisdiction of Title IX sexual harassment and Process A. When determining such applicability, if the complaint does not fall within the scope of Process A, the Title IX Coordinator assesses which processes may apply to the complaint (e.g., Process B).
- The Title IX Coordinator will contact the Complainant and provide them with a written explanation of their rights and options with respect to the report, complaint, or formal complaint. The Title IX Coordinator will promptly make supportive measures available to the Complainant upon receipt of notice.
- The Title IX Coordinator will discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, and inform the Complainant of the availability of supportive measures with or without the filing of a complaint or formal complaint. At the time that supportive measures are offered, the Title IX Coordinator will inform the Complainant, in writing, that they may file a complaint or formal complaint with the College either at that time or in the future, if they have not done so already, as well as the processes for doing so.
- The Title IX Coordinator will work with the Complainant to determine whether the Complainant prefers only a supportive response or whether the Complainant would like to proceed with a grievance process, if applicable; and if the grievance process is applicable, whether there is an option for resolution through the informal grievance process.
- If the Complainant wishes to proceed with filing a complaint or formal complaint, if applicable, or the College believes it is otherwise necessary, the Title IX Coordinator will ascertain the name of the Respondent, the date, location, and nature of the alleged sexual misconduct, and, in a timely fashion, will notify the Respondent of the allegations, and any supportive measures available to the Respondent. If a complaint or formal complaint is filed, the Title IX Coordinator will provide initial notice to the parties as further described below. The grievance processes will be followed before any discipline is imposed on the Respondent.

ii. Bad Faith Reporting

Submitting a false report of sexual misconduct or providing false or misleading information in bad faith in connection with an incident of sexual misconduct is prohibited and subject to disciplinary action, up to and including dismissal from the College. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

## **2. Confidential Communications**

### **i. Professional and Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the Bloomfield community (and including those who act in that role under the supervision of a licensed counselor) may not report any information about an incident of sexual misconduct disclosed while acting within the scope of that counselor's license or certification to the Title IX Coordinator without a Complainant's permission. The counseling services provided by these individuals is a supportive measure provided by the College and is available to all members of the Bloomfield community.

The following is the contact information for these individuals:

- a. College Chaplain: Student Center, 2<sup>nd</sup> Floor – Extension 1393
- b. Personal Counselors: Student Center, 2<sup>nd</sup> Floor – Extension 1403

### **ii. Requests for Confidentiality**

If a Complainant wants a report to remain confidential, such that the Complainant's identity will not be disclosed to the Respondent and chooses not to file a complaint or formal complaint, the Complainant may nonetheless receive supportive measures. A Complainant may also report the alleged incident for the purpose of receiving supportive measures and later decide to file a complaint or formal complaint. A third party's report will not trigger an investigation or grievance process, unless the Complainant files or the Title IX Coordinator signs a complaint or formal complaint.

The College will seek consent from Complainants prior to proceeding with a grievance process. A Complainant's declination to consent to proceed may be honored unless the Title IX Coordinator determines, in good faith, that failure to investigate and adjudicate does not adequately mitigate a potential risk of harm to the Complainant or ensure the safety of other members of the College community, would be clearly unreasonable in light of the known circumstances, or violates state or federal law. Honoring such a request may limit the College's ability to meaningfully investigate and pursue action against a Respondent. When determining whether the Complainant's request for confidentiality can be honored, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- Whether the Respondent has a history of violent behavior or is a repeat offender;
- Whether the incident represents escalation in unlawful conduct on behalf of the Respondent from previously noted behavior;
- The increased risk that the Respondent will commit additional acts of violence;

- Whether the Respondent used a weapon or force;
- Whether the reporting individual, including a Complainant, is a minor; and
- Whether the College possesses other means to obtain evidence such as security footage, and whether available information reveals a pattern of perpetration at a given location or by a particular group.

The Title IX Coordinator has ultimate discretion to determine whether the College will proceed when the Complainant requests otherwise. The Title IX Coordinator may sign a complaint or formal complaint to initiate a grievance process upon completion of a good faith determination. If the Title IX Coordinator signs the complaint or formal complaint, they do not become the Complainant. A Complainant may withdraw a report, complaint, or formal complaint from the College at any time.

### **3. U.S. Department of Education’s Office for Civil Rights**

Students may also report sexual misconduct to the U.S. Department of Education’s Office for Civil Rights (“OCR”) at <https://www2.ed.gov/about/offices/list/ocr/index.html>.<sup>4</sup>

## **B. Supportive Measures, Emergency Removals, and No-Contact Orders**

### **1. Supportive Measures**

Provided it has notice or it is otherwise aware of sexual misconduct, before or after a formal complaint is filed, or where no formal complaint has been filed, the College (through the Title IX Coordinator) will provide supportive measures to the Complainant and the Respondent, as appropriate and reasonably available, without fee or charge to the parties.

The determination of appropriate supportive measures is based on the facts and circumstances of each situation. Supportive measures include but are not limited to:

- Providing campus escort services;
- Modifications of work or class schedules;
- Changes of work or housing locations including changes of residence hall or office locations;
- Providing counseling and academic support services, such as tutoring;
- Providing course-related adjustments such as extensions of deadlines;
- Providing leaves of absence;
- Establishing mutual restrictions on contact between the parties;
- Providing increased security and monitoring of certain areas of the campus; and/or
- Other similar measures.

The College will maintain as confidential any supportive measures, except as necessary to provide such supportive measures. The Title IX Coordinator will promptly and confidentially contact and

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<sup>4</sup> Please see the contact information for the OCR above.

inform the Complainant about available supportive measures and the process for filing a formal complaint in order to learn the Complainant's wishes regarding both.

Regardless of whether the alleged misconduct is formally reported to campus authorities or local law enforcement, the College's medical, counseling, and other services are available for all members of the Bloomfield community. The full, prompt and victim-sensitive cooperation of College personnel with regard to obtaining, securing and maintaining evidence, including a medical examination when necessary to preserve evidence of an assault will be provided to all victims. In order to preserve evidence, the College encourages victims of sexual assault not to shower or cleanse in any manner; urinate, brush teeth or gargle, eat, drink, smoke or change clothes prior to going to the hospital. Evidence can be collected up to five days after the incident. The Clara Maass Crisis Unit is available for assistance and can be telephoned at 973-844-4357. That unit is able to send a crisis worker to talk to any victim of sexual assault and transport them to the Clara Maass Emergency Room if desired by the victim. Counseling is available at the College to assist the recovery of any individual involved in an incident of sexual misconduct. In addition to the Clara Maass Hospital, the Family Service League ("FSL") (<http://www.familyserviceleague.org/>) of Montclair, NJ is also a major resource. The FSL is the designated Essex County Rape Care Center.

Victims can also consider off-campus counselors, advocates, and health care providers who will generally maintain confidentiality. Victims are also encouraged to contact the Rape Care Hotline: 1-877-733-CARE (2273) any time, day or night, to learn about other options and services. A trained advocate can accompany victims to the hospital and will help to connect to the appropriate services which include: a 24-hour, free and confidential hotline; crisis services for victims and their families; educational programs and training for youth and professionals; and counseling at the FSL. For additional information regarding victims' rights, students should review the New Jersey Sexual Assault Survivor's Bill of Rights at <https://bloomfield.edu/sites/default/files/2019-06/sexualassault-victims-bill-of-rights.pdf>.

## **2. Emergency Removals**

If the Title IX Coordinator, in consultation with other College administrators, based on an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of an individual is arising from allegations of sexual misconduct against a Respondent, then the College will remove such Respondent from its education programs or activities on an emergency basis. The College will provide Respondent with written notice and an opportunity to challenge the College's decision immediately following the removal.

The College may also place a non-student employee Respondent on administrative leave at its discretion and/or in accordance with federal and state laws.

## **3. No-Contact Orders**

All no-contact orders will be mutual—i.e. neither party involved will be permitted to contact the other party—unless the College determines, in its discretion and after a fact-specific analysis, that a non-mutual order is appropriate. The Title IX Coordinator will issue any no-contact order in writing, specifying the terms of the no-contact order, including the parties' responsibilities.

Violations of a no-contact order under this Policy will be grounds for discipline, including but not limited to dismissal from the College.

**C. Standard of Evidence, Presumption of Non-Responsibility, and Burdens of Proof and Gathering Evidence**

The standard for decisions under this Policy is a preponderance of the evidence, meaning that it is more likely than not that a violation of this Policy occurred. There is a presumption that a Respondent is not responsible for the alleged sexual misconduct until a determination is made regarding responsibility. The burden of proof as well as the burden to gather evidence sufficient to reach a determination of responsibility rests on the College and not the parties.

**D. Timeframes, Promptness, and Notice**

There is no limit on reporting violations of this Policy, although the College's ability to respond may be limited as evidence may be less available, memories will fade, and Respondents may no longer be enrolled or employed by Bloomfield. The College will promptly resolve all complaints and formal complaints within a reasonable time, but no later than 60 to 90 business days, excluding appeals, after the filing of a complaint or formal complaint, unless the College has good cause for any temporary delays or limited extensions. Good cause may include, but is not limited to, absence of a party, advisor, or witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. In the case of a temporary delay of the grievance process or a limited extension of time frames for good cause, the College will provide the Complainant and Respondent with written notice of such delay or extension and the reasons for the action.

The College will provide clear written notice to the parties before every interview or other meeting they are invited or expected to attend, including the date, time, location, participants, and purpose of the investigative interview, hearing, or meeting, and whose participation is invited or expected, including the Complainant and Respondent. Through the notice, the College will provide sufficient time for the parties to prepare to participate.

**E. Advisors**

Each party may be accompanied by an advisor of their choice to any related meeting or College proceeding who must comply with the College's rules. A party's advisor of choice may be, but is not required to be, an attorney. The role of an advisor is limited to observing and consulting with, and providing support to, the Complainant or Respondent. Except for cross-examination during a Process A hearing, as described below, advisors cannot actively participate or speak on behalf of the Complainant or Respondent. Throughout the process, the role of the advisor is narrow: they may attend all meetings or interviews at which the party is entitled to be present and may help the party prepare for each meeting. However, the parties should anticipate asking and respond to questions on their own account. An advisor may not direct questions to the Hearing Officer or witnesses at the hearing but may consult with the party that they are assisting in private as reasonably necessary. While the advisor may provide guidance and support, all written submissions must be authored by the Complainant or Respondent. All College administrators and staff will communicate directly with the Complainant or Respondent and not their advisor. The

Hearing Officer will not allow an advisor's presence to inhibit the parties' sharing of information or the conduct of the hearing.

Accommodations, including scheduling of interviews or reviews, generally will not be made for any advisors if they unduly delay the process, as determined by the Title IX Coordinator. The College reserves the right to take appropriate action regarding any advisor who disrupts the process, or who does not abide by the restrictions on their participation as determined by the Title IX Coordinator.

**F. Conflicts of Interest, Bias, and Training**

The Title IX Coordinator Investigators, Hearing Officers, and Appellate Officers, as well as any person who facilitates an informal process, are trained to serve impartially and must be free from conflicts of interest and bias against Complainants or Respondents generally or an individual Complainant or Respondent. These individuals also receive training on, *inter alia*, topics set forth in Title IX (34 C.F.R. § 106.45 (b)(1)(iii)).

**G. Disciplinary Sanctions and Remedies**

There is a broad range of possible disciplinary sanctions and remedies that the College may implement as part of a determination of responsibility. The Title IX Coordinator is responsible for implementing remedies and the Hearing Officer is responsible for determining disciplinary sanctions. The College will implement disciplinary sanctions and remedies when the determination of responsibility becomes a final determination, as defined above.

All remedies are designed to restore or preserve equal access to the College's education programs or activities and may include the same individualized services as supportive measures. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent. The Hearing Officer may also identify additional remedies to address the effects of the conduct on the Complainant. Thus, the range of possible remedies is broad and may include supportive measures as described above, as well as remedial sanctions. If a Complainant declined or did not take advantage of a specific service or resource previously offered, the College may reoffer the service as applicable or necessary. The Title IX Coordinator may also consider broader remedial action for the campus community, such as increased supervision or monitoring, targeted or increased education and prevention efforts, and review of policies and procedures.

The range of disciplinary sanctions that the Hearing Officer may consider for any individual found responsible for a violation of this Policy span from a warning up to and including expulsion/termination or revocation of a student's degree. The Hearing Officer may impose any of the following disciplinary sanctions that are determined to be fair and proportionate to the violation of this Policy under the grievance processes.

**1. Employees (including faculty members)**

Disciplinary sanctions imposed with respect to Respondents who are employees, including faculty members, may include, but are not limited to, one or more of the following: dismissal from employment, non-renewal of an employment contract, suspension, reassignment of College employment, administrative leave, probation, reprimand, warning, changes to work schedule,

office relocation or revocation, forfeiture of benefits, honors, leadership positions, promotions or other privilege, training and/or counseling, no-contact orders, and/or any other actions deemed appropriate.

College policies or contracts may require the College to use additional processes before taking certain employment-related actions with respect to faculty and certain other employees. Where a person covered by such a policy or contract has allegedly engaged in conduct prohibited by this Policy, the investigation and disciplinary process will proceed in accordance with the procedures set forth herein, except that the Hearing Officer will not impose any discipline that would require the use of additional processes. Instead, the Hearing Officer will impose all appropriate discipline that does not require the use of additional processes and then refer the matter, if appropriate, for action under the additional process. The College's disciplinary action will be considered complete with the Hearing Officer's imposition of discipline and referral, subject to any appeals. For information, please contact the Title IX Coordinator.

## **2. Students**

Disciplinary sanctions may include, but are not limited to, one or more of the following: dismissal, probation, reprimand, warning, restitution, education/counseling, no-contact order, restriction from extracurricular programs or activities, loss of leadership opportunity or positions in activities, housing restriction/relocation, changes in academic schedule, loss or restriction from College employment, revocation of a degree, award, or honor, and/or any other actions deemed appropriate. In addition, the College reserves the right to withhold a student's diploma where a report of sexual misconduct is pending. It may also revoke any degree awarded for an individual who is found to have engaged in sexual misconduct prior to conferral of the degree.

## **3. Considerations**

In determining an appropriate disciplinary sanction, and upon a determination of responsibility, the Hearing Officer may consider the following:

- The nature and circumstances of sexual misconduct.
- The impact of sexual misconduct on the Complainant.
- The impact of sexual misconduct on the Bloomfield community.
- The disciplinary history of the Respondent.
- Any other mitigating or aggravating circumstances in order to reach a fair and appropriate resolution in each case.
- Range of disciplinary sanctions typically imposed for similar violations.

## **PART III: INFORMAL GRIEVANCE PROCESS**

At any time prior to reaching a determination of responsibility, the College may offer the parties the option to resolve the complaint or formal complaint through an informal grievance process without completing a full formal grievance process. However, the College will only offer an informal grievance process if it determines, in its sole discretion, that such informal grievance

process may be appropriate, and after the College has obtained the Complainants and Respondents voluntary, written consent to the informal process. The Title IX Coordinator will be responsible for determining whether the informal grievance process is appropriate by assessing the totality of the circumstances, including, but not limited to, the severity of the alleged sexual misconduct, the parties' wishes, and the potential risks to campus community members.

The informal grievance process may not be used to: (1) resolve an allegation of sexual misconduct unless a complaint or formal complaint is filed, or (2) to resolve allegations of sexual misconduct against a College employee where the Complainant is a student.

In order to proceed with an informal grievance process, the Title IX Coordinator must provide the Complainant and Respondent with written notice disclosing:

- (1) the allegations;
- (2) the requirements of the informal grievance process, including the circumstances under which it precludes the parties from resuming a complaint or formal complaint arising from the same allegations; and
- (3) any consequences resulting from participating in the informal grievance process, including the records that will be maintained or could be shared.

The Title IX Coordinator or their designee will serve as the facilitator(s) of the informal grievance process and may elect to be assisted by another member of the senior staff of the College or a trained outside expert. The informal grievance process is designed to obtain an expedient, mutually acceptable solution, which may include an acceptance of responsibility and disciplinary sanctions by the Respondent, without the necessity of conducting a formal grievance process. The informal grievance process may result in the imposition of protective actions agreed upon by the parties, or (with or without such agreement) based on information derived from the informal grievance process taken together with any other relevant information known to the College at the time of the informal grievance process.

Participation in the informal grievance process is voluntary. The College will not compel the parties to engage in an informal grievance process and will allow the parties to withdraw from the informal grievance process at any time and resume the formal grievance process with respect to the formal complaint (Process A) or the complaint (Process B). There is no appeal option after the parties reach a resolution through informal means.

#### **PART IV: PROCESS A-FORMAL GRIEVANCE PROCESS—ADDRESSING ALLEGATIONS OF TITLE IX SEXUAL HARASSMENT**

Process A applies only to qualifying allegations of Title IX sexual harassment as defined above. If a dismissal of a formal complaint occurs under Process A, please see Process B, if applicable. Process B may also apply to Title IX sexual harassment if the Title IX Coordinator determines that the allegations fall outside the jurisdiction of Process A. Under Title IX, the College's response to



reports or formal complaints of sexual harassment must treat Complainants and Respondents equitably by offering supportive measures to a Complainant, and by following a grievance process that complies with Title IX before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a Respondent.

**A. Formal Complaints of Title IX Sexual Harassment**

Formal complaints of Title IX sexual harassment against a Complainant in the United States that occurs during the College's education programs or activities, and of which the College has actual knowledge will be addressed under Process A. Reports of Title IX sexual harassment may be made using any of the options set forth above.

The College will promptly investigate formal complaints and conduct a grievance process before the imposition of any disciplinary sanctions or any actions that are not supportive measures against a Respondent and filed by a Complainant or signed by the Title IX Coordinator. A formal complaint may be filed with the Title IX Coordinator at any time (even during non-business hours) in person, by mail, or by electronic mail, by using the contact information above. The Complainant must be participating in or attempting to participate in the College's education program or activity at the time the formal complaint is filed alleging Title IX sexual harassment against a Respondent and requesting that the College investigate the allegations.

If the Complainant files the formal complaint, the formal complaint must contain the Complainant's physical or digital signature or provide an indication that the Complainant is the individual filing the formal complaint. The Title IX Coordinator may also sign a formal complaint. However, where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the formal complaint. The Complainant reserves the right to withdraw a formal complaint or their involvement in the College's grievance process at any time.

**1. Dismissal of Formal Complaints**

The College *must* dismiss a formal complaint or any allegations therein, if, at any time during the investigation or hearing, it is determined that: (1) the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in 34 C.F.R. § 106.30 even if proved; (2) the conduct did not occur in the College's education program or activity, as defined herein; (3) the conduct did not occur against a person in the United States; or (4) at the time of filing a formal complaint, the Complainant was not participating in or attempting to participate in the College's education program or activity.

The College *may*, in its discretion, dismiss a formal complaint or any allegations therein, if at any time during the investigation or hearing: (1) the Complainant notifies the Title IX Coordinator, in writing, that the Complainant would like to withdraw the formal complaint or any allegations therein; (2) the Respondent is no longer enrolled or employed by the College; or (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Dismissal does not preclude the College from acting under Process B of this Policy or other College policy. The Title IX Coordinator will determine whether a formal complaint must or may be

dismissed in accordance with this section. In the event of dismissal of a formal complaint, the Title IX Coordinator will promptly and simultaneously send the parties written notice of the dismissal and the reasons for such dismissal. The parties may appeal the decision to dismiss a formal complaint or any allegations therein under the procedures for appeal herein.

## **2. Consolidation of Formal Complaints**

The College may consolidate formal complaints regarding allegations of Title IX sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX sexual harassment arise out of the same facts or circumstances.

### **B. Initial Notice of Allegations**

Upon receipt of a formal complaint of Title IX sexual harassment, the Title IX Coordinator will provide written notice to the parties who are known. The notice will include:

- Notice of the College’s formal grievance process, including any informal grievance process;
- Notice of the allegations of sexual harassment potentially constituting Title IX sexual harassment, as well as sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
  - Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX sexual harassment under 34 C.F.R. § 106.30, and the date, location, and factual allegations of the alleged incident, if known;
- The specific section(s) of this Policy alleged to have been violated;
- A statement about the College’s prohibition on retaliation;
- A description of the range of possible disciplinary sanctions and remedies or a list of the possible disciplinary sanctions and remedies that the College may implement following any determination of responsibility;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process;
- A statement that informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement informing the parties that they may inspect and review the evidence collected in an investigation; and
- A statement informing the parties that this Policy prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

During the course of the investigation, the College may investigate allegations about the parties that are not included in the initial written notice of allegations. If this is the case, the College will provide additional allegations to the parties whose identities are known.

### **C. Investigations of Formal Complaints**

The Title IX Coordinator and/or their designee will either conduct the investigation or appoint a trained investigator(s) to complete an investigation (the “Investigator”). A party wishing to

challenge the selection of the Investigator must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the name and contact information of the Investigator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Investigator at any time. If the Investigator is the Title IX Coordinator, the party may contact the Vice President for Finance and Administration. Formal complaints of Title IX sexual harassment will be investigated promptly, thoroughly, and impartially by the Investigator, and normally within 30 to 45 business days of filing a formal complaint with the Title IX Coordinator.

The Investigator is responsible for gathering sufficient evidence to enable the Hearing Officer to reach a determination. The Investigator will conduct an objective evaluation of all relevant evidence. Investigations generally include interviews with the parties and witnesses, as well as follow up interviews, if necessary. The parties will have an equal opportunity to present witnesses, including facts and expert witnesses, and other inculpatory and exculpatory evidence. Parties and witnesses are expected to provide all available relevant evidence to the Investigator. Unless the Investigator obtains a party's voluntary, written consent, the Investigator will not access, consider, disclose or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in such capacity, and which are made or maintained in the connection with the provision of treatment to the party. The College will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognizable privilege, unless the person holding such privilege has waived the privilege.

The parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The parties will have the ability to discuss the allegations under investigation and gather and present relevant evidence. Both the Complainant and Respondent will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. This includes the evidence the College does not intend to rely on in reaching a determination regarding responsibility as well as inculpatory or exculpatory evidence whether obtained from a party or other source. During any hearing, the College will make all such evidence available for the parties' inspection and review to give each party an equal opportunity to refer to the evidence during the hearing.

At the conclusion of the investigation the Investigator will prepare a case file, which will include all collected evidence that is directly related to the allegations raised in the formal complaint, including the evidence upon which the College does not intend to rely in reaching a determination of responsibility and any inculpatory or exculpatory evidence, whether obtained from a party or other source as part of the investigation. The Investigator will also prepare an investigative report that fairly summarizes the investigation and all relevant evidence.

Prior to completion of the investigative report, the Investigator will send to each party and party's advisor, if any, the case file subject to inspection and review in an electronic format or hard copy.

The parties will have 10 business days to submit a written response. The Investigator will consider the written responses before completing the investigative report.

The Investigator will finalize the investigative report that summarizes relevant evidence and, at least 10 business days prior to the hearing, send the investigative report to each party and the party's advisor, if any, in an electronic format or hard copy, for their review and written response. The parties and their advisors, if any, will be provided with the other party's written response to the investigative report, if any, in electronic format or hard copy prior to the hearing.

## **D. The Hearing**

### **1. The Hearing Officer**

After the investigative report is shared with the parties, the Title IX Coordinator will assign the matter to be heard by a Hearing Officer(s) who is chosen from a group of specially trained College personnel. The Title IX Coordinator may determine that a trained individual who is external to the College will be assigned as the Hearing Officer. The assigned Hearing Officer will not participate in the grievance process until this stage of the proceeding.

### **2. The Hearing Process**

A live hearing is required as part of this process. The hearing cannot take place less than 10 business days from the conclusion of the investigation, which is when the investigative report is provided to the parties. The Title IX Coordinator will provide written notice of the hearing to the parties at least 5 business days before the hearing date. The written notice will include:

- The date, time, and place of the hearing;
- The participants in the hearing (including but not limited to the parties, witnesses, etc.)
- The purpose of the hearing; and
- The names and contact information of the Hearing Officer. A party wishing to challenge the participation of the Hearing Officer must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to change the Hearing Officer at any time.

#### **i. Conduct of the Hearing**

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the College will provide the parties with written notice explaining the reason for such change. The College will create an audio or audiovisual recording, or transcript, of all live hearings under this Policy and will make it available to the parties for inspection and review.

The Hearing Officer may consider all evidence that it determines is relevant. The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and will have broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the

offending individual, including a party, witness, or advisor. During the hearing, the Complainant and Respondent have the opportunity to:

- Speak on their own behalf;
- Be accompanied by an advisor, who may be, but is not required to be, an attorney;
- Present witnesses who can speak about the alleged conduct at issue;
- Present other evidence on their own behalf;
- Have an advisor cross-examine the other party and any witnesses; and • Attend the entire hearing or proceeding, except for the deliberation phase.

The Hearing Officer will determine the order of parties and witnesses and answer any procedural questions. During any hearing, the College will make all directly related evidence available for the parties' inspection and review to give each party an equal opportunity to refer to the evidence. Live hearings may be conducted with all parties physically present in the same geographic location, or under the discretion of the College, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling the participants to simultaneously see and hear each other. The parties may request to the Title IX Coordinator that the live hearing occur in this manner.

i. Cross Examination

During the live hearing, cross-examination will be conducted directly, orally, and in real time by the party's advisor. At no point shall the parties be entitled to question the other. If a party does not have an advisor present at the live hearing, the College will provide such party, without fee or charge, an advisor of the College's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Cross-examination includes relevant questions and follow-up questions, including questions challenging credibility of the other party or any witnesses. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer shall determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Hearing Officer will limit or preclude any irrelevant questions. The Hearing Officer's determination that a question is not relevant is made by applying logic and common sense. The Hearing Officer is not required to give a lengthy or complicated explanation; it is sufficient, for example, for the Hearing Officer to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions outlined below, is duplicative, or because the question asks about a detail that is not probative of any material fact concerning the allegations.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence (1) are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (2) concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove affirmative consent.

If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer shall not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

The Hearing Officer has the authority, in its discretion, to speak directly with any persons identified in the investigative report, as well as question the parties.

**E. Determination Regarding Responsibility**

The Hearing Officer will evaluate the allegations under a “preponderance of the evidence” standard. The Respondent will be found to be responsible for the alleged Title IX sexual harassment if the Hearing Officer concludes, based upon careful review of all information presented, that such Title IX sexual harassment more likely than not occurred. The Hearing Officer will determine any disciplinary sanctions imposed on the Respondent and the Title IX Coordinator will implement any remedies. Please see above for the non-exhaustive range of possible disciplinary sanctions and remedies that may be implemented.

Determinations of credibility shall not be based on a person's status as a Complainant, Respondent, or witness. A Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**1. Notice of Decision**

Upon reaching a determination of responsibility and within 7 business days from the hearing, the Hearing Officer will simultaneously issue a written notice of its determination regarding responsibility to the parties. The written notice will include:

- Identification of the allegations potentially constituting Title IX sexual harassment under 34 C.F.R. § 106.30;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including:
  - A determination regarding responsibility,
  - Any disciplinary sanctions the College will impose on the Respondent, and
  - Whether remedies will be provided to the Complainant; and
- The College's procedures and permissible bases for the Complainant and Respondent to appeal.

The College will implement disciplinary sanctions and remedies when the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, as described below,

or if an appeal is not filed, the date on which an appeal would no longer be considered timely. *For the appeal process, please see Part VI below.*

## **PART V: PROCESS B-FORMAL GRIEVANCE PROCESS—ADDRESSING ALLEGATIONS OF SEXUAL MISCONDUCT AND RETALIATION**

Process B is a prompt and equitable grievance process, which applies when the Title IX Coordinator determines that Process A does not, or when violations of this Policy that would be subject to Process A have been dismissed. If the Title IX Coordinator determines that Process A applies, then Process A must be applied and not Process B. Process B applies to all allegations of sexual misconduct under this Policy, including allegations of sexual harassment that do not constitute Title IX sexual harassment, as well as allegations of discrimination or harassment, such as sex/gender-based discrimination or harassment that do not qualify as Title IX sexual harassment involving students, employees, or third parties. Process B also applies to all allegations of retaliation covered by this Policy.

### **A. Complaints and Initial Notice**

Reports may be made using any of the options set forth above. A complaint is a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual misconduct and/or retaliation by a Respondent and requesting that the College investigate the allegation(s). If a Complainant files or the Title IX Coordinator signs a complaint, the College will initiate its complaint process, including investigation into the Complainant's allegations. A complaint may be filed with the Title IX Coordinator at any time (even during non-business hours) in person, by mail, or by electronic mail, by using the contact information set forth above. Once a complaint is received, it will be reviewed by the Title IX Coordinator. If the Complainant is filing the complaint, it must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the complaint. The Title IX Coordinator does not become the Complainant if they sign the complaint. The Complainant reserves the right to withdraw a complaint or their involvement in the College's grievance process at any time.

Dismissal of a complaint from the Process B grievance process does not preclude action under another provision of the College's policies and/or handbooks. If a complaint and/or any allegations therein are dismissed, the Title IX Coordinator will promptly and simultaneously send written notice of the dismissal and the reasons therefore to the parties. Further, the College may consolidate complaints regarding allegations of sexual misconduct and/or retaliation against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

Upon the filing of a complaint, the Title IX Coordinator will promptly contact the Complainant and provide the Complainant a general understanding of this Policy, as well as identify the Complainant's rights and any available supportive measures, if the Title IX Coordinator had not already done so. The Title IX Coordinator will also seek to determine how the Complainant wishes to proceed.

If the Complainant wishes to proceed with the grievance process, or the College believes it is otherwise necessary, the Title IX Coordinator will notify the Respondent that a complaint has been filed and provide the date, time, location, and factual allegations concerning the alleged violation, a reference to the specific Policy provisions that have been violated, the College's retaliation prohibition, and possible disciplinary sanctions and remedies. The Title IX Coordinator will provide the Respondent with a general understanding of this Policy, identify any available supportive measures, and inform the Respondent that they may have an advisor of their choice, who may be, but is not required to be, an attorney.

**B. Investigations**

The Title IX Coordinator will determine whether the Title IX Coordinator, or their designee, will act as the investigator. The Title IX Coordinator may also designate a specially trained investigator or investigators to conduct the interviews and/or investigation (collectively, the "Investigator"). A party wishing to challenge the selection of the Investigator must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the name and contact information of the Investigator, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the individual assigned as the Investigator at any time. If the Investigator is the Title IX Coordinator, the party may be the Vice President for Finance and Administration.

Complaints of sexual misconduct and/or retaliation will be investigated promptly, thoroughly, and impartially by the Investigator, normally within 30 to 45 business days of filing a complaint with the Title IX Coordinator. The College will make a good faith effort to complete investigations as promptly as possible and will communicate regularly with the parties to update them on progress, the timing of the investigation and delay for good cause, if necessary.

The Investigator will collect, and review evidence deemed necessary or helpful to the investigation. The investigation will include individual interviews with the parties involved and with individuals who may have observed the alleged conduct or may have any other relevant knowledge. The investigation may also include examination of relevant evidence that is directly related to the allegations in the complaint. The Complainant and the Respondent will be given an equal opportunity to present information in the context of the investigation, the opportunity to suggest witnesses and review and present available evidence in the case file.

At the conclusion of the investigation, the Investigator will prepare an investigative report that fairly summarizes the investigation and all relevant evidence. The Investigator makes no conclusions, engages in no Policy analysis, and renders no recommendations as part of their report. The Investigator will provide the investigative report to the parties for their review and written response. In response to the investigative report, both the Complainant and the Respondent will be given the opportunity to submit a written statement and a list of proposed witnesses for the hearing. The written statement and list of proposed witnesses will be provided to the Title IX Coordinator, the opposing party, and the Hearing Officer.



## C. The Hearing

### 1. The Hearing Officer

After the investigative report is shared with the parties, the Title IX Coordinator will assign the matter to be heard by a Hearing Officer(s) who is chosen from a group of specially trained College personnel. The Title IX Coordinator may determine that a trained individual who is external to the College will be assigned as the Hearing Officer. The assigned Hearing Officer will not participate in the grievance process until this stage of the proceeding.

### 2. The Hearing Process

The College will provide written notice at least 5 business days before the hearing date to the parties stating the date, time, and place of the hearing and the name and contact information of the Hearing Officer. A party wishing to challenge the participation of the Hearing Officer must notify the Title IX Coordinator, in writing, within 3 business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit, and reserves discretion to make changes to the assigned Hearing Officer. The notice will also inform the parties that they may have the assistance of an advisor of their choosing at the hearing and may request to see and review evidence collected in the investigation.

The hearing will be conducted within 10 business days from the conclusion of the investigation. The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the College will provide the parties with written notice explaining the reason for such change.

As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed. The parties will have the opportunity to present evidence and testimony during the hearing. This may be done as necessary to accommodate a witness who cannot be present, for whom the Hearing Officer determines may remain anonymous.

The parties may have advisors present to support and assist them during the hearing. An advisor may not direct questions to the parties, the Hearing Officer, or witnesses. Only the Hearing Officer may question the individual parties and any witnesses, unless permission is granted to modify the questioning process.

The parties are expected to cooperate at the hearing. If either party fails to appear at the scheduled hearing, the Hearing Officer may postpone the proceedings if there is a legitimate documented reason for the absence or proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date.

In general, any information or questioning about the prior sexual history of the Complainant or Respondent with individuals other than the other party is precluded and will not be admitted at the hearing. Additionally, any information or questioning about either party's mental health history diagnosis, and/or treatment is precluded and will not be admitted at the hearing. Past findings of domestic violence, dating violence, stalking, or sexual assault may be admissible in the stage that determines disciplinary sanctions.

If the Hearing Officer determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Officer may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents, which were readily available at the time of the hearing.

**D. Determination Regarding Responsibility**

The Respondent will be found to be responsible for the alleged sexual misconduct and/or retaliation if the Hearing Officer concludes, based upon careful review of all information presented, that under a preponderance of the evidence, such violation of this Policy more likely than not occurred. The Hearing Officer will determine any disciplinary sanctions imposed on the Respondent and the Title IX Coordinator will implement any remedies. Please see above the range of possible disciplinary sanctions and remedies that may be implemented.

Upon reaching a determination of responsibility and within 7 business days from the hearing, the Hearing Officer will simultaneously issue a written notice of its determination regarding responsibility to the parties. The notice of determination will detail the factual findings supporting the determination, the rationale for the determination, any disciplinary sanctions imposed, and/or any remedies provided, and appeal procedures.

The College will implement disciplinary sanctions and remedies when the determination becomes final. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, as described below, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. *For the appeal process, please see Part VI below.*

**PART VI: APPEAL PROCESS**

The Complainant and/or Respondent may appeal a determination regarding responsibility or a dismissal of a complaint or formal complaint or any allegations therein, on any of the following bases: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the Title IX Coordinator, Investigator(s), or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Within 5 business days of the delivery of the written determination of responsibility or from dismissal of a complaint or formal complaint or any allegations therein, the Respondent and/or Complainant may appeal the decision by submitting to the Title IX Coordinator a written statement challenging the outcome. The Title IX Coordinator will promptly notify the non-appealing party about the appeal in writing and will implement appeal procedures equally to the parties. Within 5 business days from the notification of the appeal, the non-appealing party may submit a written statement in response and in support of the outcome.

The College will assign a trained Appellate Officer to oversee the appeal. The Appellate Officer shall not be the Title IX Coordinator, the Hearing Officer, or the Investigator. The Appellate Officer shall be fair and impartial and will not have a conflict of interest.

The Appellate Officer will decide the merits of the appeal. The Appellate Officer will simultaneously issue a written decision to the parties describing the result of the appeal and the rationale for the result within 10 business days of receipt of the complete record, including the parties' written submissions. This decision is final.

### **APPENDIX: DEFINITIONS**

For purposes of this Policy, the following definitions apply.

1. **“Actual knowledge”** means notice of Title IX sexual harassment or allegations of Title IX sexual harassment to the College's Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College, also known as any Official with Authority as defined below. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. The mere ability or obligation to report Title IX sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College. Notice includes, but is not limited to, reports and formal complaints of Title IX sexual harassment. Once the College has actual knowledge of Title IX sexual harassment in its education program or activity against a person in the United States, the College will respond promptly in a manner that is not deliberately indifferent.
2. **“Advisor”** means an individual who may be, but is not required to be, an attorney; and is selected by each party to accompany the party to any related meeting or proceeding, to advise the party, and to conduct cross-examination for the party at the hearing in Process A, if any. If a party does not select an advisor and a hearing is required based on allegations of Title IX sexual harassment, the College will appoint an advisor for purposes of conducting cross-examination.
3. **“Affirmative consent”** means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. Consent can be given through words or actions, as long as those words or actions create a clear permission regarding the willingness to engage in sexual activity. Consent cannot be obtained through coercion, intimidation, force, or threat of harm. Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity or make informed, rational judgments whether temporarily or permanently. Incapacitation may be caused because an individual is mentally and/or physically helpless; by a lack of consciousness or being asleep; being involuntarily restrained; being unaware that sexual activity is occurring; or if an individual otherwise cannot consent. Depending on the degree of intoxication, an individual who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent. Effective consent may never be given by minors. Affirmative consent to one form of sexual activity does not imply consent to other sexual acts. A previous relationship or previous consent, including a dating

relationship or previous sexual involvement, does not imply consent to future sexual acts. Consent may be withdrawn by either party at any time by an outward demonstration through words or actions to end sexual activity immediately and without question. When consent is withdrawn, or can no longer be given, sexual activity must cease. In determining whether affirmative consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which the parties affirmatively used words or actions indicating a willingness to engage in sexual activity; whether a reasonable person in the parties' position would have understood the words said and/or actions taken as an expression of consent from all parties; and whether there are any circumstances, known or reasonably apparent to the parties, demonstrating an incapacity to consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

4. **“Coercion”** means unreasonable pressure to engage in sexual activity.
5. **“Complainant”** means an individual who is alleged to be the victim of conduct that could constitute sexual misconduct.
6. **“Complaint”** means a Process B document filed by a Complainant or signed by the Title IX Coordinator alleging conduct that may constitute a violation of this Policy, other than Title IX sexual harassment, against a Respondent and requesting that the College investigate the allegation of sexual misconduct and/or retaliation. A complaint initiates Process B of this Policy.
7. **“Dating violence”** as defined by VAWA at 34 U.S.C. § 12291(a)(10), means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of the relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
8. **“Day”** means a business day.
9. **“Deliberately indifferent”** is defined in 34 C.F.R. § 106.44(a) and means that an institution is deliberately indifferent only if its response to Title IX sexual harassment is clearly unreasonable in light of the known circumstances. Once the College has actual knowledge of Title IX sexual harassment in its education program or activity against a person in the United States, it will respond promptly in a manner that is not deliberately indifferent.
10. **“Disciplinary sanction”** means an action imposed by the College on a Respondent where a determination of responsibility has been made and the Respondent has been found to have violated this Policy.
11. **“Domestic violence”** as defined by VAWA at 34 U.S.C. § 12291(a)(8) includes 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 New Jersey domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the New Jersey domestic or family violence laws. Under New Jersey criminal law, domestic violence can include acts such as homicide, assault, terroristic threats, kidnapping, criminal restraint, false imprisonment, sexual assault,

criminal sexual contact, lewdness, criminal mischief, burglary, criminal trespass, harassment, stalking, criminal coercion, robbery, contempt of a domestic violence order that constitutes a crime or disorderly persons offense, any other crime involving risk of death or serious bodily injury to a person protected under the Prevention of Domestic Violence Act of 1990, and cyber-harassment.

12. **“Education program or activity”** for purposes of 34 C.F.R. §§ 106.30 and 106.45, includes locations, events or circumstances over which the College exercised substantial control over both the Respondent and the context in which the alleged Title IX sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.
13. **“Final determination”** means a determination of responsibility by the College that has become final. A determination is a finding by the College based upon a preponderance of the evidence, regarding whether the Respondent is responsible for the alleged conduct and whether the alleged conduct constitutes a violation of this Policy. A determination indicates whether disciplinary sanctions, if any, are to be imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the College’s education program or activity are to be provided to the Complainant. A “final” determination means the written determination containing the information required in 34 C.F.R. § 106.45(b)(7), as modified by any appeal by the parties. A determination of responsibility becomes a final determination on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
14. **“Force”** means the use of physical violence and/or imposing on someone physically to engage in sexual activity. Force can also include threats, intimidation, or coercion used to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity.
15. **“Formal complaint”** means a Process A document filed by a Complainant (meaning a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the individual filing the formal complaint) or signed by the Title IX Coordinator alleging Title IX sexual harassment against a Respondent and requesting that the College investigate the allegation of Title IX sexual harassment. A formal complaint initiates Process A. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the College’s education program or activity.
16. **“Grievance process”** refers to the informal grievance process as well as the formal grievance processes set forth as “Process A” and “Process B.”
17. **“Hearing Officer”** refers to an individual who presides over the hearing conducted during the formal grievance processes of this Policy and issues a determination as to Policy violations.
18. **“Intimidation”** means implied threats that reasonably cause another individual to fear for that individual’s safety or well-being.
19. **“Investigator”** means an individual appointed by the Title IX Coordinator to investigate the allegations of sexual misconduct and/or retaliation. Investigators are also charged with creating an investigative report that fairly summarizes relevant evidence.

20. **“No-contact order”** is a directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.
21. **“Official with Authority”** means an employee of the College who has the authority to institute corrective action on behalf of the College.
22. **“Preponderance of the evidence”** is the standard of proof to determine responsibility under this Policy, and which means that it is more likely than not that a violation of this Policy occurred.
23. **“Process A”** means the grievance process defined above and detailed below. Process A only applies to conduct that constitutes Title IX sexual harassment.
24. **“Process B”** means the grievance process defined above and detailed below. Process B applies to all allegations of sexual misconduct and retaliation that do not constitute Title IX sexual harassment.
25. **“Remedies”** are actions taken by the College in favor of a Complainant and/or the College community after a determination of responsibility has been made through Process A and Process B. Remedies are designed to restore or preserve equal access to the College’s education program or activity. Remedies may include the same individualized services as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.
26. **“Report”** means a report made to the Title IX Coordinator that is verbal or written, by any person, alleging sexual misconduct and/or retaliation as defined herein. Such a report can be made at any time in person, by mail, by phone, or by electronic mail. A report is not the same as a complaint or a formal complaint and will not initiate a grievance process.
27. **“Respondent”** means an individual who has been alleged to be the perpetrator of conduct that could constitute sexual misconduct.
28. **“Retaliation”** is defined in Section E of Part I above.
29. **“Sex”** encompasses sex, gender, sexual orientation, gender identity, and/or gender expression.
30. **“Sex discrimination”** involves treating someone unfavorably because of that person’s actual or perceived sex. It occurs when, on the basis of sex, gender, sexual orientation, gender identity, including transgender status and/or gender expression, an individual or group is excluded from participation in, or denied the benefits of, any College program or activity, including admissions and employment.
31. **“Sex/gender-based harassment”** is unwelcome conduct based on an individual's actual or perceived sex/gender. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct. It occurs when one person harasses another person for reasons relating to their gender or the gender with which they identify. The harassing conduct does not need to be based on anything of a sexual nature.
32. **“Sexual act”** means (a) contact between the penis and vulva or the penis and the anus where penetration occurs, however slight; (b) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; (c) the penetration, however slight, of the anal or genital opening of another by hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(d) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

33. **“Sexual assault”** as defined at 20 U.S.C. § 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (“FBI”). These offenses are defined<sup>5</sup> as follows:

- **“Sex offenses”**<sup>6</sup> include any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
  - **“Rape—completed”** [SRS definition] means 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. This definition includes either gender of victim or offender. Sexual penetration means 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.
  - **“Rape (except statutory rape)”** [NIBRS Definition—to be used only when SRS is retired<sup>7</sup>] means the carnal knowledge of a person, without the consent of the 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.
  - **“Sodomy”** means oral or anal sexual intercourse with another person, without the consent of the 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.
  - **“Sexual assault with an object”** means to use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the 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. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia, e.g., a finger, bottle, handgun, stick.
  - **“Fondling”** the touching of the private body parts of

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<sup>5</sup> The definitions herein are from the most recent Uniform Crime Reporting Program National Incident-Based Reporting System (“NIBRS”) User Manual, dated May 7, 2020, with the exception of Rape, which, in accordance with the Clery Act, is defined pursuant to the FBI’s Uniform Crime Reporting Program Summary Reporting System (SRS), dated June 20, 2013. Once the SRS is retired, the NIBRS definition of rape shall be used.

<sup>6</sup> Under the NIBRS User Manual dated 2011, available [here](#), this definition was used to describe “Sex Offenses, Forcible.” The following acts were classified as “Sex Offenses, Forcible”: Forcible Rape (Except Statutory Rape), Forcible Sodomy, Sexual Assault with An Object, and Forcible Fondling. <sup>7</sup> It is anticipated that the FBI will retire the SRS on January 1, 2021.

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

- **“Sex offenses”**<sup>7</sup> are also unlawful sexual intercourse:
  - **“Incest”** means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **“Statutory rape”** means sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in statutory rape; the act is not an attack.

**34. “Sexual contact”** means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

**35. “Sexual exploitation”** refers to specific forms of sexual misconduct and occurs when an individual takes non-consensual or abusive sexual advantage of another’s nudity or sexuality for their benefit or to benefit a third party. Examples of sexual exploitation include but are not limited to:

- prostituting another individual
- non-consensual observation, photographing or video or audio recording of sexual activity of another individual or of another individual who is in a state of undress, or in a place and time where such person has a reasonable expectation of privacy, without the individual’s consent
- exceeding the boundaries of consent with another individual (such as permitting others to secretly observe you engaging in consensual sex)
- inducing or attempting to induce the incapacitation in another individual for purposes of compromising that individual’s ability to give Affirmative Consent to sexual activity
- employment of another individual or achievement related inducements
- knowingly exposing another person to a sexually transmitted infection or virus without the other individual knowledge
- disseminating, streaming or posting sexual activity of any form on social media or any other public forum without permission from the other individual
- non-consensual texting of sexual activity or images of another individual
- distributing intimate sexual information about another individual

**36. “Sexual harassment”** is an unlawful form of discrimination that may be committed by any individual upon another, regardless of that individual’s sex, sexual orientation, gender identity, or gender expression. The term “sexual harassment” has various definitions including under applicable laws and by various bodies, including the U.S. Department of Education and the U.S. Equal Employment Opportunity Commission (“EEOC”). However, conduct can meet both of these definitions:

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<sup>7</sup> Under the NIBRS User Manual dated 2011, available [here](#), the definition of “(except prostitution offenses) unlawful, nonforcible sexual intercourse” was used to describe “Sex Offenses, Nonforcible.” The following acts were classified as “Sex Offenses, Nonforcible”: Incest, Statutory Rape. Moreover, please note that under the most recent NIBRS,



- Under Title IX, specifically 34 C.F.R. § 106.30, “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. A College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct;

failure to register as a sex offender is also considered a sex offense and is defines as failing to register or keep current a registration as required by state and federal laws.

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity;<sup>8</sup> or
3. Sexual assault, dating violence, domestic violence, or stalking as defined herein.

- To fall under Title IX, the sexual harassment must have occurred during the College’s education program or activity against a person in the United States. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the College’s education program or activity.

- Under Title VII, it is unlawful to harass a person because of that person’s sex. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, *or* offensive working environment.

**37. “Sexual misconduct”** is a broad term that encompasses a wide range of prohibited behaviors and a term used to refer to any form of sex/gender-based discrimination, sex/gender-based harassment, all forms of sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking, and any other form of nonconsensual sexual act or sexual contact prohibited by this Policy. Throughout this Policy, sexual misconduct encompasses retaliation as defined above.

**38. “Stalking”** as defined by WAVA at 34 U.S.C. § 12291(a)(30), means a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

**39. “Supportive measures”** are non-disciplinary and non-punitive individualized services offered as appropriate and reasonably available, without fee or charge to the parties before

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<sup>8</sup> Categories 1 and 3 do not require elements of severity, pervasiveness, or objective offensiveness. Severity, pervasiveness, and objective offensiveness must be evaluated in light of the known circumstances and depend on the facts of each situation but must be determined from the perspective of a reasonable person standing in the shoes of the Complainant.

or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or to deter sexual misconduct and/or retaliation. Supportive measures can include various forms or services as set forth below.

- 40. "Title IX Coordinator"** means the Title IX Coordinator and/or their designee(s). The Title IX Coordinator may delegate certain responsibilities under this Policy to Designees, who will be appropriately trained.

### **SMOKE-FREE POLICY**

The College has a policy to ensure that all students, employees, and other members of the College community have a workplace, living, learning, and social/educational environment that is free of secondhand tobacco smoke. Smoking is prohibited in all campus buildings, including the residence facilities and areas surrounding the front and rear entrance of any campus facility.

Smoking is prohibited in all areas where a safety hazard exists, such as storage areas, sheds with gas operated power equipment, or any hazardous materials handling area. Smoking is prohibited in all College-owned vehicles used for security, transporting students/supplies, trash removal, or any other use. Smoking is also prohibited in outdoor Security Guard booths.

Students or employees who choose to smoke on the Bloomfield College campus **MUST** do so only in **designated smoking areas located at the back areas of the Learning Resources Center, and 225 Liberty Street**. Smoking areas are strategically located at least 25 feet from any building throughout the campus. These locations have ashtrays for disposal of cigarettes, cigars, or any other tobacco products.

All employees and students shall have the right to file a complaint against members of the college community or their guests who fail to comply with this policy. Faculty shall ensure that students under their instruction comply with the smoke-free policy. Any member of the College community who violates the policy is subject to College disciplinary action.

Members of the college community are responsible for the behavior of their guests. College visitors who violate this policy can be escorted from the campus by a College Security Officer. Repeat violations by a visitor may result in his/her barring from the College campus or specific College facilities.

The success of this policy depends on the thoughtfulness, consideration, and cooperation of nonsmokers and smokers alike. Any member of the campus community may ask an individual to comply with the provisions of this regulation or file a complaint with the Office of Human Resource (employees) or to the Office of Student Affairs (students). Anonymous information may also be left on the Bloomfield College TIPS Line at 973-748-9000, ext. 1466.

### **SOCIAL NETWORKING POLICY**

Bloomfield College recognizes the importance and benefits of online social networking and encourages free inquiry and expression of speech. Social networking sites such as Facebook, Instagram, Snapchat, Twitter, LinkedIn, Youtube, MySpace, Friendster, and any other internet blogs are popular among college students and adults. These sites and others provide global opportunities for communication, interaction, and peer connection. Although there are many benefits to online social

networking, there are also cautions to consider. Postings on personal profiles and chat rooms are easily accessed by parents, coaches, employers, government and law enforcement officials, graduate school admission officials, unwanted admirers, predatory persons, and others. Once information is posted on an internet site, it can be printed and distributed freely. Computer savvy individuals are even able to retrieve an internet posting after it has been deleted.

Bloomfield College students and employees who utilize online social networking sites do so at their own risk and are responsible for their behaviors and actions. While online, students and employees must uphold the College's Student Code of Conduct and abide by the College's: Policies Handbook; Acceptable Use of Computing Resources Policy; Statement of Shared Values; Residence Hall Handbook; the Athletic Social Networking Policy; and/or the BC Employee Handbook. The College maintains a strong interest in how the institution and its students, as well as employees, are viewed and portrayed on social networking sites. All online users are expected to demonstrate appropriate and acceptable behaviors in compliance with federal, state, and local laws as well as the policies and regulations set forth by the College.

Examples of potential violations of the College's Social Networking Policy include, but are not limited to:

- Posting or streaming offensive or inappropriate statements, pictures and/or videos that violate the College's Standards of Conduct and Statement of Shared Values, including but not limited to: (a) endangering personal safety; (b) lack of respect for others; (c) hazing; (d) damage to property; (e) violations of the alcohol or drug policy; (f) violations of federal, state or local law; (g) disruption of college activities; and (h) unauthorized use of college facilities or resources;
- Sharing or posting information online to discriminate, humiliate or discredit an individual or group;
- Using information to gain recognition or popularity at the expense of an individual, group or the College;
- Threats, harassment or intimidation of any nature;
- Inappropriate or unauthorized depiction of the College's name, logo, facilities, documents, and materials;
- Posting acts of hazing or other abusive behaviors, including but not limited to: assault, sexual harassment, sexual assault, binge drinking, drug use, etc.;
- Posting or streaming pictures, videos, statements or any other materials which violate the privacy of another individual or group;
- Cyber-bullying, cyber-stalking, or any other deliberate hostile behavior used to demean, harass, embarrass or harm an individual or group.

The preceding examples constitute violations of the Social Networking Policy regardless of whether the online misconduct was conducted while on or off the College's network, or by any user who accesses an individual's account. A municipal police report is required to validate any claims of a hacked account/stolen identity. All violations in the posting and sharing of information or content on online social networks are subject to investigation and sanction under the Student Code of Conduct and Policies Handbook for students and the Employee Handbook for employees. Such violations may also be referred to as the authority of local law enforcement agencies. In addition, the College reserves the right to request the removal of any content which violates the Social Networking Policy.

## **APPENDIX A:**

## **Rules and Regulations for Computing Facilities**

Computer lab resources are to be used for College sanctioned activities consistent with the mission of Bloomfield College. College sanctioned use includes, but is not limited to:

- Instruction
- Completion of academic and administrative assignments
- Academic research and scholarly activities
- Authorized work of College departments, offices, centers and laboratories, and campus organizations
- Digital communications as a member of the College community
- Authorized recreational and social activities, not interfering with other sanctioned uses

Computer labs are governed by the following guidelines:

- Computer facilities may be used by authorized users only.
- Utilization of these facilities for commercial or illegal activities is strictly prohibited.
- Treat College property with respect.
- Do not copy software without proper authorization or use illegally copied software. Any unauthorized software left on Bloomfield College hard drives will be deleted.
- Storing personal files on Bloomfield College hard drives is permitted however the integrity of personal work stored on local drives is not guaranteed. Therefore, users are advised to store work at their own risk. Users are encouraged to use USB flash/thumb drives or upload their files to their @Bloomfield.edu Google drives to store their work.
- Storing personal files in a public/classroom lab is not permitted, for system integrity the computers are configured to erase personal data upon reboot. Users are required to use USB flash/thumb drives or upload their files to their @Bloomfield.edu Google drives to store their work.
- The illegal storing of Copyrighted files on Bloomfield College's hard drive, network, or lab computers is strictly prohibited.
- Only Faculty, Staff, and currently enrolled Students have printing privileges. For a full list of the print policy, visit (<http://www.bloomfield.edu/resources/helpdesk/print-quota-policy>)
- Time limits for workstations may be imposed.
- Users must relinquish workstations for scheduled classes.
- No eating, drinking, or smoking is permitted in any computer lab.
- Disconnecting of College workstations and printers, and/or breach of local or network system software is prohibited.
- Bloomfield College is not responsible for personal belongings left in the computer labs.
- Users must adhere to the posted rules, policies and procedures. Users who violate this policy are subject to revocation of their computing privilege.

*The Acceptable Use Policy may be modified as deemed necessary and appropriate by Bloomfield College. Users are encouraged to periodically review this policy.*

## **SPEAKER'S POLICY**

The College permits students and student organizations to host speakers and/or performers on campus. The student/ organization and the speaker/performer are required to pay certain costs; comply with certain timelines and security needs and fulfill other responsibilities. All such requirements are outlined

in a speaker/performer form contract maintained at the Center for Student Leadership and Engagement. A contract must be executed by the speaker/performer and the College at least 20-days prior to the engagement/performance date(s) on College grounds.

## **STUDENT COMPLAINT PROCEDURES**

### **PURPOSE**

Bloomfield College is committed to enabling students to realize their intellectual and personal goals in a positive learning environment and to safeguarding conditions which will foster mutual respect and fair treatment. The College takes all student complaints seriously and reviews and responds to such complaints in a timely fashion. The purpose of this document is to provide students with the mechanism for expressing their concerns and to comply with federal and state laws as well as accreditation requirements.

### **DEFINITION OF “COMPLAINT”**

A “*complaint*” is defined as a formal expression of protest, grievance, or dissatisfaction with a situation, decision or circumstance by which an individual or group perceives themselves as victims or recipients of unjust, wrongful, illegal actions/behaviors of another individual or group. Complaints may include but are not limited to: academic issues; mistreatment by fellow students or a college employee; wrongful assessment of fees; records, registration and grading errors; student employment issues; verbal or physical abuse or coercion; or any other violations of the Student Standards of Conduct or College policies provided on the Student Portal.

### **PROCEDURES**

A complainant may select an informal or formal resolution process. Depending on the circumstances, both informal and formal resolution processes may be utilized.

#### *Informal Inquiry (Step 1):*

An informal resolution process focuses on addressing the situation on a departmental level without a formal investigation. Whenever possible, students are encouraged to resolve an issue by having a calm discussion with the student, faculty member, or other person with whom there is an issue. It may be possible to resolve the issue without formal institutional action. The student should request an appointment with the other individual for this purpose. Resolution of an informal inquiry typically results in clarification of a misunderstanding or an apology from the respondent with assurance that the offending behavior will cease. If unresolved at this level, the student should request a meeting with the faculty member’s division chairperson or the staff member’s supervisor. If still unresolved, the student should proceed to the Formal Complaint process.

#### *Formal Complaint (Step 2):*

To initiate a formal complaint, a complainant should complete and submit the Student Complaint Form to the appropriate Vice President/Dean (see table below). The Vice President/Dean receiving the complaint will review the content included in this form and determine an appropriate response. The formal resolution process requires an investigation by the Vice President/Dean or his/her designee.

The Vice President/Dean handling a complaint may convene one of the College’s Judiciary Boards to make a final determination of the appropriate outcome. The College will make every necessary effort to provide a preliminary response to the complaint within 48 hours. A permanent outcome of the complaint should be made available to the complainant within 30 business days. The student initiating a complaint must be the student who alleges she/he was treated unfairly.

A complaint, based on its nature, may be initiated *in person* through the Informal Inquiry or Formal Complaint process. A formal complaint must be submitted *promptly* via email to the appropriate individual listed in the table below.

| <b>Nature of Complaint</b>  | <b>Report to</b>  |
|---|---|
| A violation of or arbitrary or unfair application or use of a written College <i>academic</i> policy              | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| A violation of or arbitrary or unfair application or use of a written College <i>student</i> policy               | Sheila Wooten<br>Dean of Student Affairs and Athletic Director<br><a href="mailto:Saffairs@bloomfield.edu">Saffairs@bloomfield.edu</a>            |
| Academic concerns (e.g., registration holds, advising, transfer credits, prior learning assessment)               | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| Mistreatment by a faculty member  | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| Academic/classroom facilities (e.g., heating, seating, hours)   | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| Campus facilities (e.g., parking, space for meetings/activities, residence hall conditions, cafeteria conditions) | Sheila Wooten,<br>Dean of Student Affairs and Athletic Director<br><a href="mailto:Saffairs@bloomfield.edu">Saffairs@bloomfield.edu</a>           |
| Disability Services   | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| Roommate issues   | Julia Delbago<br>Assistant Dean of Student Affairs<br><a href="mailto:julia_delbago@bloomfield.edu">julia_delbago@bloomfield.edu</a>              |
| Library resources   | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| Staff/Non-Academic Department treatment complaints  | Sheila Wooten<br>Dean of Student Affairs and Athletic Director<br><a href="mailto:sheila_wooten@bloomfield.edu">sheila_wooten@bloomfield.edu</a>  |
| Staff/Academic Division and Department treatment complaints   | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| Technology/Network complaints (e.g., computer equipment, network speed and function, portal access)               | Cindy McDaniel, Interim VP for Finance and Administration<br><a href="mailto:cindy_mcdaniel@bloomfield.edu">cindy_mcdaniel@bloomfield.edu</a>     |
| Student Planner issues  | Dr. Michael Palladino, VP for Academic Affairs<br><a href="mailto:Michael_palladino@bloomfield.edu">Michael_palladino@bloomfield.edu</a>          |
| Cafeteria quality/menu  | Sheila Wooten<br>Dean of Student Affairs and Athletic Director<br><a href="mailto:Saffairs@bloomfield.edu">Saffairs@bloomfield.edu</a>            |
| Billing complaints  | Cindy McDaniel, Interim VP for Finance and Administration<br><a href="mailto:cindy_mcdaniel@bloomfield.edu">cindy_mcdaniel@bloomfield.edu</a>     |
| Mistreatment by another student   | Sheila Wooten<br>Dean of Students Affairs and Athletic Director<br><a href="mailto:sheila_wooten@bloomfield.edu">sheila_wooten@bloomfield.edu</a> |

|   |  |
|---|--|
| Sexual harassment or discrimination on the basis of race, creed, age, physical handicap, sex, sexual orientation, or national origin<br><a href="http://www.bloomfield.edu/student-life/safetysecurity/sexual-assault">http://www.bloomfield.edu/student-life/safetysecurity/sexual-assault</a> | Sheila Wooten<br>Dean of Student Affairs and Athletic Director<br><a href="mailto:sheila_wooten@bloomfield.edu">sheila_wooten@bloomfield.edu</a> |
| Criminal activity   | Campus Security (x1366, 225 Liberty Street lower level)<br><a href="mailto:david_reilly@bloomfield.edu">david_reilly@bloomfield.edu</a>          |

### CAMPUS CONDUCT HOTLINE

Students may also report complaints through the Campus Conduct Hotline© -- Dial toll-free to 866.943.5787. The hotline is available for use 24 hours per day, seven days a week. Because the Hotline is operated by an independent organization, any calls made through this Hotline are completely confidential and anonymous. Issues that may arise that can be reported include discrimination, fraudulent activity, harassment, hate messages, hostile workplace, illegal business activity, NCAA violations, safety and security issues and bullying.

#### Contact information

Sheila Wooten, Dean for Students and Athletic Director  
467 Franklin Street (Office of Student Affairs)  
Email: [sheila\\_wooten@bloomfield.edu](mailto:sheila_wooten@bloomfield.edu)  
Phone: (973) 748-9000, x 1245

Dr. Michael Palladino, VP for Academic Affairs/Dean of Faculty  
Jarvie Hall (Office of Academic Affairs)  
Email: [Michael\\_palladino@bloomfield.edu](mailto:Michael_palladino@bloomfield.edu)  
Phone: (973) 748- 9000, x 1101

Mr. Kevin Cavanagh, Vice President for Enrollment Management  
One Park Place  
Email: [kevin\\_cavanagh@bloomfield.edu](mailto:kevin_cavanagh@bloomfield.edu)  
Phone: (973) 748-9000, x 1219

Ms. Cindy McDaniel, Vice President for Finance and Administration  
Knox Hall  
Email: [cindy\\_mcdaniel@blomfield.edu](mailto:cindy_mcdaniel@blomfield.edu)  
Phone: (973) 748-9000, x 1441

#### EXCEPTIONS

The following types of complaints have established procedures and are therefore exempt from this policy.

- Complaints about grades (Referred to Office of Registrar)

- Appeals regarding academic suspension or dismissal (Referred to Office of Registrar)
- Repeating classes for a third time (Referred to Office of Registrar)
- Academic dishonesty (plagiarism or cheating) (Referred to Office of Academic Affairs)
- Resolution of Proposed Accommodations for Disabilities (Referred to Office of Academic Affairs)
- Financial Aid decision (Referred to Student Financial Services)
- Harassment and Discrimination <http://www.bloomfield.edu/student-life/safety-security/sexualassault>

### **ALTERNATE AVENUES FOR COMPLAINT**

In unusual and very unique circumstances whereby complaints are not resolved at this level, or where the complainant remains dissatisfied with the procedures and outcomes, the complainant may consider the procedure outlined below for a resolution. Bloomfield College participates in Federal student aid programs that are authorized under Title IV of the Higher Education Act of 1965. Participating institutions must be legally authorized to operate within the state in which it is located. 34 CFR § 600.9 requires states to have a “process to review and appropriately act on complaints concerning the institution including enforcing applicable State laws.” 34 CFR § 668.43(b) requires that institutions make available for review to any enrolled or prospective student upon request, a copy of the institution’s accreditation status; and its State, Federal, or tribal approval or licensing. The institution must also provide its students or prospective students with contact information for filing complaints with its accreditor and with its State approval or licensing entity and any other relevant State official or agency that would appropriately handle a student’s complaint.

**To comply with this regulation, Bloomfield College provides the following information on state and federal agencies to prospective and current students:**

The Office of Secretary of Higher Education  
 PO Box 542  
 Trenton, NJ 08625-0542  
<http://www.state.nj.us/highereducation/>

Middle States Commission on Higher Education  
 3624 Market Street, 2nd Floor  
 West, Philadelphia, PA 19104 Telephone:  
 (267) 284-5000  
<http://www.msche.org/documents/How-to-File-a-Complaint-with-the-Commission.pdf>

Students have the right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA. Contact the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202. **Bloomfield College Student Complaint Form**

<https://bloomfield.edu/about-us/consumer-information/student-complaint-form>

All complaints from students will be channeled to the appropriate Vice President/Dean. The Vice President/Dean receiving the complaint will review the content included in this form and determine an appropriate response. The College will make every necessary effort to provide a preliminary response to



the complaint within 48 hours. A permanent outcome of the complaint should be made available to the complainant within 30 business days.

A complainant may select an informal inquiry or formal resolution process, as described above in the Student Complaint Procedures. An informal inquiry will generally result in a process that focuses on addressing the situation on a departmental level without a formal investigation. A formal resolution process requires an investigation by the appropriate Vice President/Dean. Depending on the circumstances, both informal inquiry and formal resolution processes may be utilized.

### **STUDENT GUEST(S)**

Bloomfield College students are responsible for and are expected to monitor the behaviors and actions of their guest(s) while on College grounds or in attendance at campus social/educational events. Bloomfield College students can be subjected to a range of disciplinary actions in cases where the actions or behaviors of their guest(s) infringe on the rights of other members of the College community and/or disrupt customary day-to-day college activities. **A NO VISITATION POLICY ON CAMPUS WILL REMAIN ENFORCED DURING COVID-19 Pandemic** which includes restrictions for visitation for resident students and outside guests. Outsiders will not be permitted to attend any on-campus social events during the COVID-19 Crisis.

### **RESOURCES AND IMPORTANT TELEPHONE NUMBERS**

#### *ON CAMPUS*

Main Phone Number . . . . . (973) 748-9000  
Personal Counselor . . . . . ext. 1403  
Health Services Officer. . . . . ext. 1360  
Residential Education and Housing ext. 1247  
Chaplain. . . . . ext. 1393  
Security:. . . . . 0 or ext. 1366

#### *OFF-CAMPUS*

##### *Bloomfield Police Emergencies*

9-1-1  
Non-Emergency . . . . . (973)680-4141  
Detective Bureau . . . . . (973) 680-4084

##### *Medical*

Mountainside Hospital,  
Montclair . . . (973) 429-6000  
Clara Maass Medical Center,  
Belleville . (973) 450-2000  
Columbus Hospital, Newark . .  
. . . . (973) 268-1400

##### *HIV Testing (Confidential)*

East Orange Primary Care . . . . .  
.. (973) 675-1900 444 William  
Street, East Orange

*Pregnancy*

Planned Parenthood . . . . . (973) 622-3900  
Birthright . . . . . (973) 743-2061

*Mental Health*

East Orange Crisis Intervention. .  
... (973) 672-9685 Community  
Health Care Counseling for Belleville, Bloomfield, and  
Nutley. (973) 450-3100

*Community Resources*

Safe House – shelter, counseling,  
housing, and legal advocacy . . . .  
.. (973) 759-2154 Essex  
County Family Violence Program  
(973) 484-4446  
Domestic Violence Services for  
Men Who Batter – UMDNJ . .  
.... (973) 972-6421  
NCJW Center for Women . . . . .  
... (973) 994-4994 NJ Coalition  
for Battered Women/  
Lesbian Helpline . . . . .  
. 1 (800) 224-0211