



KEAN

Annual Campus Security and Fire Safety Report

2021-2022



Table of Contents

The 2021-2022 Annual Campus Security and Fire Safety Report	1
A Message From the Department of Public Safety and Police	1
Emergency University Closing	2
Campus Notifications.....	2
Section 1: Campus Safety.....	3
University Police Procedures and Statistics	3
Relationship With the Campus Student Code of Conduct System	3
Access To Campus Facilities	3
Maintenance of University Facilities	4
Authority of the University Police and Its Relationship With Other Law Enforcement Agencies	4
Monitoring and Recording Criminal Activity At Off-Campus Organizations ...	4
Campus Reporting Authorities	4
Crime Prevention Programming.....	5
Crime Statistics	5
Megan's Law and Sex Offender Notification.....	5
What To Do In An Emergency	6
Phone Numbers	6
- Fires	6
- Building Evacuation Procedures.....	6
- Suspicious Packages	6
- Bomb Threats.....	6
- Suspicious Behavior/Persons of Concern.....	6
- Active Shooters.....	6
- Gas Leaks, Fumes, Vapors.....	7
- Hazardous Materials Spills.....	7
- Flooding	7
Campus Alert System.....	7
CampusAlert™ Setup Instructions.....	8
To Update An Existing Registration:	8
Additional Assistance With CampusAlert™	8
Kean Ocean Viking Alert	8
ELERTS	8
About ELERTS.....	9
ELERTS Registration Instructions.....	9
ELERTS Rules for Kean University.....	9
Police and Fire Information.....	10
Important Telephone Numbers for the Kean University Department of Public Safety and Police.....	10
- Kean Union Campus	10
- Kean Ocean Campus.....	10
- Wenzhou-Kean Campus	10
Crime Prevention Tips	10
Missing Student Notification Policy	11
Policy	11
Procedure	12
The Office of Fire Safety	14
General Fire/Emergency	14
Before A Fire Emergency: Planning	14
On Discovering: Reporting A Fire	15
On Hearing the Fire Alarm: Evacuating the Building.....	15

If You Are Not Able to Leave: Shelter In Place.....	15
Exiting: Evacuating the Building	15
Fire Evacuations: Occupants With Disabilities.....	16
Residential Safety	16
- Policy on Portable Electrical Appliances, Smoking and Open Flames..	16
Confiscation Policy	17
Resident Hall Evacuation.....	17
Residence Hall: Occupants With Disability	17
Fire Safety Education and Training.....	18
Fire Safety Education and Training: Campus-Wide.....	18
Plans for Future Improvements In Fire Safety.....	18
Fire and Crime Logs	18
Timely Warning	18
Emergency Alerts	19
Jeanne Clery Act Crime Statistics	20
Kean University Main Campus	20
- Crime Reporting Statistics.....	20
- Number of Arrests for Following Crimes.....	20
- Number of Persons Referred for Campus Disciplinary Action	20
Kean Ocean Campus.....	20
- Crime Reporting Statistics.....	20
- Number of Arrests for Following Crimes.....	20
- Number of Persons Referred for Campus Disciplinary Action	20
Wenzhou-Kean University Campus	21
- Crime Reporting Statistics.....	21
- Number of Arrests for Following Crimes.....	21
- Number of Persons Referred for Campus Disciplinary Action	21
Underage Drinking/Driving	22
Reporting Crime Statistics.....	23
Crime Definitions	23
- Reported Criminal Offenses	23
- VAWA Offenses	24
- Hate Crimes	24
Reporting Crimes and Emergencies	24
Union Campus.....	24
- Kean University Blue Light Emergency Telephones	25
Ocean County College - Kean Ocean Campus	25
Anonymous Reporting.....	26
Smoke-Free Air Act and Kean University No Smoking Policy	26
Drug and Alcohol Policy	27
I. Drug and Alcohol Policy Statement	27
- A. Policy Overview.....	27
- B. Kean University Alcohol Policy Statement.....	27
- C. Kean University Illicit-Drug Policy	27
II. Standards of Conduct.....	27
- A. Alcohol Regulations	27
- B. Illicit-Drug Regulations.....	28
- C. Other Sanctions	28
III. Kean University Sanctions for Violation of Standards of Conduct	28
- A. Violation of the Alcohol Policy	28
- B. Violation of Illicit-Drug Policy.....	28
IV. Legal Sanctions for Drug and Alcohol-Related Offenses.....	29
V. The Dangers of Mixing Alcohol and Drugs	30
Commonly Used/Abused Drugs and Their Risks.....	31
Students Convicted of Possession or Sale of Drugs.....	33

HEA Section 484(R) 34 CFR 668.40.....	33	20. When a Complainant Does Not Wish to Proceed	56
- Possession.....	33	21. Federal Timely Warning Obligations.....	57
- Sale	33	22. False Allegations and Evidence	57
Regaining Eligibility	33	23. Amnesty for Complainants and Witnesses	57
Alcohol and Drug Use Prevention and Intervention Programs....	34	24. Federal Statistical Reporting Obligations	58
Substance Prevention	34	Resolution Process for Alleged Violations of the Policy on	58
- Student Education and Training	34	Sexual Harassment	58
- Faculty and Professional Staff Education and Training	35	1. Overview	58
- Campus-Wide Programmatic Events.....	35	2. Notice/Complaint.....	59
- Substance Intervention	36	3. Initial Assessment.....	59
		- a. Violence Risk Assessment [HAJ3]	59
		- b. Dismissal (Mandatory and Discretionary)	60
		4. Counterclaims	60
		5. Right to an Advisor	60
		- a. Who Can Serve as an Advisor	61
		- b. Advisor's Role in Meetings and Interviews.....	61
		- c. Advisors in Hearings/University-Appointed Advisor	61
		- d. Pre-Interview Meetings.....	61
		- e. Advisor Violations of Recipient Policy.....	61
		- f. Sharing Information with the Advisor.....	62
		- g. Privacy of Records Shared with Advisor	62
		- h. Expectations of an Advisor.....	62
		- i. Expectations of the Parties with Respect to Advisors	62
		- j. Assistance in Securing and Advisor	62
		6. Resolution Process	62
		- a. Informal Resolution	62
		- b. Alternate Resolution Mechanism	63
		- c. Respondent Accepts Responsibility for Alleged Violations	63
		- d. Negotiated Resolution	63
		7. Grievance Process Pool.....	64
		- a. Pool Member Roles.....	64
		- b. Pool Member Appointment.....	64
		- c. Pool Member Training.....	64
		- d. Pool Membership;.....	65
		8. Formal Grievance Process: Notice of Investigation and Allegations	65
		9. Resolution Timeline	65
		10. Appointment of Investigators.....	65
		11. Ensuring Impartiality.....	65
		12. Investigation Timeline.....	66
		13. Delays in the Investigation Process and	
		Interactions with Law Enforcement	66
		14. Steps in the Investigation Process.....	66
		15. Role and Participation of Witnesses in the Investigation.....	67
		16. Recording of Interviews	67
		17. Evidentiary Considerations in the Investigation.....	67
		18. Referral for Hearing	68
		19. Hearing Decision-maker Composition.....	68
		20. Evidentiary Considerations in the Hearing	68
		21. Notice of Hearing.....	68
		22. Alternative Hearing Participation Options	69
		23. Pre-Hearing Preparation	69
		24. Pre-Hearing Meetings.....	70
		25. Hearing Procedures	70
		26. Joint Hearings.....	70
		27. The Order of the Hearing - Introductions and Explanation of Procedure.....	70
		28. Investigator Presents the Final Investigation Report	70
		29. Testimony and Questioning.....	70
		30. Refusal to Submit to Cross-Examination and Inferences	71
		31. Recording Hearings	72
		32. Deliberation, Decision-making, and Standard of Proof	72
		33. Notice of Outcome	72
		34. Statement of the Rights of the Parties	
		(Found Immediately Following Policy and Procedures).....	73
		35. Sanction.....	73
		- a. Student Remedies/Sanctions [HAJ4]	73
		- b. Employee Sanctions/Responsive Actions.....	73
		36. Withdrawal or Resignation While Charges Pending.....	73
		37. Appeals.....	74
		- a. Grounds for Appeal	74
		- b. Sanctions Status During the Appeal	75
		- c. Appeal Considerations	75
Section 2: Gender Based Harassment			
and Sexual Misconduct	36		
Overview	36		
Campus Sexual Assault Victim's Bill of Rights	37		
Bill of Rights	37		
- Human Dignity Rights	38		
- Campus Judicial Rights	38		
- Legal Rights	38		
- Campus Intervention Rights	38		
- Statutory Mandates	38		
Sexual Misconduct Support and Resources	38		
Immediately After Experiencing Sexual Misconduct	39		
Self-Care In the Aftermath of Sexual Misconduct.....	39		
Resources Available To Students Who May			
Have Experienced Sexual Misconduct	40		
Sexual Misconduct Prevention Tips.....	41		
Risk Reduction for Intimate Partner Violence, Stalking,			
Sexual Harassment and Sexual Misconduct	41		
- Reducing the Risk	41		
- Maintaining Respect for Others.....	41		
Resources Available To Support Reporting and Responding			
Parties In the Event of Sexual Misconduct	42		
Confidential Resources	42		
- What Is A Student Support Services Advocate?			
Can A Student Support Services Advocate Help Me?	43		
Federal Timely Warning Reporting Obligations	43		
Kean University's Responsibility To Enact			
Safety Precautions for Its Community.....	43		
Kean University's Sexual Harassment			
Policy and Procedures	44		
- Kean University Main and Kean Ocean Campuses:.....	44		
- Wenzhou-Kean University Campus:.....	44		
1. Glossary	44		
2. Rationale for Policy	45		
3. Applicable Scope.....	45		
4. Title IX Coordinator	45		
5. Independence and Conflict-of-Interest	45		
6. Administrative Contact Information.....	46		
7. Notice/Complaints of Sexual Harassment and /or Retaliation	48		
8. Supportive Measures.....	48		
9. Emergency Removal	49		
10. Promptness	50		
11. Privacy	50		
12. Jurisdiction of the University.....	50		
13. Time Limits on Reporting.....	51		
14. Online Sexual Harassment and/or Retaliation	51		
15. Policy on Nondiscrimination	52		
16. Definition of Sexual Harassment.....	52		
- Force, Coercion, Consent, and Incapacitation	53		
17. Exepectations Regarding Unethical/Consensual Relationships.....	54		
18. Retaliation	55		
19. Mandated Reporting	55		
- a. Confidential Resources	55		
- b. Mandated Reporters and Formal Notice/Complaint	56		

38. Long-Term Remedies/Other Actions	76
39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions	76
40. Recordkeeping.....	76
41. Disabilities Accommodations in the Resolution Process	77
42. Revision of this Policy and Procedures	77
Statement of Rights of the Parties	77

Footnotes 79

Kean University VAWA Prevention and Awareness Programming	81
Student Education and Training.....	81
Faculty and Professional Staff Education and Training	82
Campus-Wide Programmatic Events.....	82

Kean University Can Help: Safety, Resources and Support ...	82
Union Campus.....	82
Union County 24 Hour Hotlines	83
Kean Ocean Resources.....	83
New Jersey Resources	83
Wenzhou-Kean Resources.....	83

Section 3: University Policies 84

University Student Code of Conduct Proceedings..... 84

I. Student Code of Conduct.....	84
- Definition of A Student	84
II. The Student Conduct Process Upholds Community Values	84
III. Jurisdiction Over Student Conduct.....	85
IV. Violations of the Law	85
V. Special Provisions.....	85
- Attempted Violations	85
- College as Complainant.....	85
- False Reports	85
- Group Violations	85
- Immunity for Reporting Party.....	85
- Medical Amnesty/Good Samaritan	86
- Parental Notification	87
- Notification of Outcomes	87
- Defenses.....	87
- Misconduct Online.....	87
VI. Offenses Under the Code.....	88
- A. Integrity	88
- B. Fairness.....	88
- C. Community.....	88
- D. Respect	89
- E. Responsibility	91
VII. Student Code of Conduct Process and Procedures.....	91
- General Process	91
- Initial Investigation	91
- Notification	92
- Student Conduct Conference.....	92
- Student Conduct Hearing	93
- Hearing Officers	93
- Conduct of the Hearing	93
- Remedies and Sanctions	94
- Appeal Procedures.....	95
- The Review Committee for Appeals	95
- Appeal of Suspension/Expulsion To the Vice President for Student Affairs.....	95
- Request for Appeal to the Vice President for Student Affairs	96

Policy and Procedures for Addressing Disruptive Behavior 96

University-Initiated Withdrawal	96
Basis for Interim or Permanent Involuntary Medical Withdrawal	97
Standard for Addressing Potentially Suicidal Students	97
Status of Conduct Proceedings.....	97
Referral for Evaluation.....	97
Interim Action	97
Involuntary Medical Withdrawal	97
SUPPORT AT HEARINGS	98

Access To Educational Records -

Confidentiality of Student Records (FERPA Policy) 98

Definition of a Student	98
Annual Notification.....	98
Definition of Education Records	99
Exclusions from Education Records	99
Right to Inspect Education Records	99
Copies	99
Right to Seek Amendment.....	99
Disclosure of Personally Identifiable Information	100
Directory Information	101
Right to File a Complaint	101
Additional Resources.....	101

Kean University Hazing Policy..... 102

New Jersey State Criminal Statute	102
- 2C: 40 - 3 Hazing	102
- 2C: 40 - 4 Consent.....	102
- 2C: 40 - 5 Prosecution.....	102

Policy on Harassment, Intimidation and Bullying 103

1. Discriminatory Harassment, Intimidation or Bullying.....	103
2. Sexual Harassment	103

Computer Related Acceptable Use Policy 104

Preamble.....	104
Policies.....	104

JVNCNET Acceptable Use Policy 105

Copyright Compliance and Electronic File Sharing of Media... 106

Kean University Policy on Electronic File Sharing of Media	106
Higher Education Opportunity Act 2008	106
University Plan to Keep the Campus Informed and Prevent Electronic Copyright Infringement.....	106
Criminal Penalties and University Sanctions for Illegal File Sharing.....	107
Civil and Criminal Penalties for Violation of Federal Copyright Laws	107
University Procedures and Sanctions for Illegal File Sharing.....	107
OCIS Monitoring and Technology-Based Deterrents.....	107
Frequently Asked Questions	107

**Equity In Athletics Disclosure Act (EADA)
and the NCAA Graduation Rates Report 109**

Equity In Athletics Disclosure (EADA) Report.....	109
---	-----

Organ Donation..... 109

How to Become an Organ and/or Tissue Donor	110
--	-----

Safe Haven Infant Protection Act 110

Procedures Governing Commercial Sales..... 110

Policy Statement on Free Speech and Dissent 111

Preamble.....	111
Statement of Free Speech.....	111
Scope of Statement	111
- The Classroom	111
- Open Meetings and Events	111
- Statement on Dissent and Protest	112

Procedures Governing Distribution of Literature 112

Recognized University Organizations, Groups or Faculty/Staff	112
External Organization, Group, or Individual.....	113

**Guidelines for Use of University Facilities
for Dissent and Demonstration 113**

**General Procedures Governing Use
of University Facilities and Grounds 114**

**Standards for Evaluating Requests
for Use of University Facilities and Grounds 117**

Campus Living: What's It All About? 117

- It's All About Community 117
- It's All About Opportunities 118
- It's All About Safety 118
 - Personal 118
 - Community 118
 - Fire 118
- It's All About Learning 118
 - Educational 118
- It's All About Service 118
- It's All About Respect 119
 - A Roommate's Bill of Rights 119
- It's All About Support 119
- It's All About Getting Involved 119
 - Resident Hall Council 119
 - Residence Life Leadership Positions 119

Kean University Behavioral Intervention Team for Students (KUBIT) 120

- Health Services 120**
 - Services Provided 120
 - Making An Appointment 120

The Office of Counseling, Disability, Alcohol and Other Drug Services 120

- Making A Counseling Appointment 121
- Making A Disability Services Appointment 121
- Office of Counseling, Disability, Alcohol and Other Drug Services -
 - Tips for Helping Students 121
 - Counseling Services 121
 - Students in Distress 121
 - Warning Signals 121
 - Tips for Helping Troubled Students 122
 - Make a Referral When 122
 - Suicide Warning Signs 122
 - What to do if You Think a Person is Having Suicidal Thoughts 122

Alcohol & Drug Treatment Centers 123

Social Service Resources 123

Local Hospitals Directory 124

- Union County, NJ 124
- Ocean County, NJ 124
- Wenzhou, China 124



The 2021-2022 Annual Campus Security and Fire Safety Report

The Annual Campus Security and Fire Safety Report is a Kean University publication that provides important campus life and fire safety information to all current students and employees. As part of Kean University's commitment to ensuring the safety and well-being of its community, the report is accessible twenty four hours a day, seven days a week online via the Kean University web site at <https://www.kean.edu/media/annual-campus-security-and-fire-safety-report-2021-2022>. Additionally, paper copies are made available upon request. The information provided in the Annual Security Report is updated annually in accordance with the Jeanne Clery Disclosure of Campus Security Policy

and Campus Crime Statistics Act (also known as the Clery Act). This report also complies with provisions of the Drug Free Work Place Act of 1988, the Drug Free School and Community Act of 1989, and Violence Against Women Act (VAWA) as well as other federal and New Jersey state laws.

Provisions of The Annual Campus Security and Fire Safety Report are subject to change without notice. Versions of The Annual Campus Security and Fire Safety Report published on the www.kean.edu website are to be considered the most complete and up-to-date statement of the current University policies in effect.

A Message From the Department of Public Safety and Police

Please take a few moments to review the important material in this newsletter, which describes the University's efforts in the important area of campus security and safety. Security, safety and crime are issues of concern to everyone. Despite the traditional view of the University campus as a sanctuary from the ills of the larger society, some incidence of crime on-campus is an unfortunate reality—which every University has to be concerned with.

The vast majority of offenses that have been reported at Kean have been directed against property rather than against people, and Kean is a safe community by any reasonable measure. We believe you will find that Kean has much to be proud of in terms of campus safety and security, that our efforts in this area are serious and ongoing, and that we consistently give crime prevention and the safety and security of every member of our community the highest priority.

The Department of Public Safety and Police exists to serve all people within its jurisdiction with respect, fairness and

compassion. It is committed to the prevention of crime and the protection of life and property; the preservation of peace, order and safety; the enforcement of laws and University rules; the maintenance of a sense of security; and the safeguarding of constitutional guarantees.

The department recognizes and supports, in action and in spirit, the mission of Kean and the philosophy that community policing and service is its foundation. It is driven by the goals of enhancing the quality of life, investigating problems as well as incidents, seeking solutions and fostering a sense of security throughout the campus. The department nurtures public trust by holding its members to the highest standards of performance and ethics. To ensure the best community policing and service to the campus community, the department commits itself to the continual review, evaluation and, if necessary, modification of existing departmental programs, operations and policies.

To fulfill its mission, the department is dedicated to



providing a quality work environment and the professional development of its members through effective training and leadership.

The Department of Public Safety and Police is located in

Downs Hall in Union, NJ. The main entrance to the Police Headquarters is on the side of the building. If you have any questions or would like more information regarding campus safety, please contact the department at (908) 737-4840.

Emergency University Closing

The following stations will broadcast cancellation of University classes due to snow or other emergencies:

AM	FM	TV
WCTC 1450	WDHA 105.5	News 12 New Jersey
WJDM 1530	WJLK 94.3	
WJLK 1310	WKMW 101.5	
WMTR 1250	WKNJ 90.3	
WOR 710	WMGQ 98.3	

Campus Notifications

Kean University will disseminate important information and updates to the campus community using a variety of communication devices. These include:

Campus Alert System – You must register for Campus Alert with your Kean Google (@kean.edu) as your username. To register for Campus Alert or update your settings, please log into www.kean.edu/campusalert.

Kean website – The homepage of the University website (www.kean.edu) will display the most up to date information. You can also bookmark this page for updates and notifications.

Twitter – Follow Kean University on Twitter to receive updates and information: twitter.com/KeanUniversity

Facebook – Information will also be posted on the University’s main Facebook page: www.facebook.com/keanuniversity

KEAN OCEAN STUDENTS: Kean Ocean students should visit the Ocean County College website for information regarding any campus closures or class cancellations: www.ocean.edu or visit the Viking Alert system at www.ocean.edu/content/public/study-on-campus/campus-life/security.html

Students enrolled in classes at Middlesex County College (www.middlesexcc.edu), Bergen Community College (www.bergen.edu) or Raritan Valley Community College (www.raritanval.edu) will have to visit your respective institution’s website for information.

Any communication regarding university closures, class cancellations and/or delays will be made utilizing the methods listed above.



Section 1: Campus Safety

University Police Procedures and Statistics

Relationship With the Campus Student Code of Conduct System

Kean University cooperates with all law enforcement agencies, including its own. It seeks no special treatment, status or immunity for its students or others detected in violation of the law, on or off campus.

Someone charged with violating University policy and the law may be subject to criminal and conduct sanctions for the same misconduct. The University exercises its discretion to determine if, and when, criminal and conduct action for the same misconduct is warranted to protect the interests of the Kean community and the safety of its members.



In such cases, the University may initiate a complaint under the University Student Code of Conduct structure, independent of and in addition to, any criminal prosecution that may have been initiated.

Anyone who brings a crime to the attention of a University administrator should also speak with a police official. Officers have the discretion, except where limited by law, to refer petty or minor offenses for campus conduct action, instead of or in addition to, arrest and prosecution. It is the policy of the Department of Public Safety and Police to fully inform community members of all of their options, through campus and off-campus enforcement entities, for dealing with offenses committed against them.

The Office of the Vice President for Student Affairs is in close contact with the Department of Public Safety and Police and the Office of Community Standards and Student Conduct. They exchange information within the parameters of federal privacy laws.

Access To Campus Facilities

Campus residence halls are open only to residents and their invited guests, university personnel and university guests. This restriction is posted, under the New Jersey trespass statutes. During evening and early morning, those who want to enter are required to present proof of residence or, if they are guests, to present identification and be signed in by a resident. Entrances to campus residence halls are equipped with card reader technology that provides access only to residents using their University identification cards.

Access policies in academic buildings during hours when classes are not in session are determined by the academic departments. Anyone in a campus building other than a residence hall, during a time when the building is not in regular use, is asked to notify the Department of Public Safety and Police of his or her presence. At the Wenzhou-



Kean campus, Wenzhou-Kean Security should be notified of the individual's presence at 0577- 55870110. Certain sensitive facilities are equipped with alarm systems.

Maintenance of University Facilities

The Maintenance Department maintains the University buildings and grounds with a concern for safety and security.

It inspects campus facilities regularly, promptly makes repairs affecting safety and security, and responds immediately to reports of potential safety and security hazards, such as broken windows and locks. The campus is well-lighted, and regularly scheduled checks are conducted to ensure that lighting is adequate and properly maintained.

Authority of the University Police and Its Relationship With Other Law Enforcement Agencies

University police officers are fully trained and armed, and in accordance with the state laws under which they are sworn, have "all powers of police and constables in criminal cases and offenses against the law," as well as the authority to enforce the New Jersey motor vehicle laws.

The Kean University Department of Public Safety and Police works closely with the police departments of the surrounding communities and participates in mutual aid.

The current working relationship between the campus and township police departments is such that incidents occurring on the campus are handled fully by the University police unless the University police specifically requests assistance.

At the Union campus, primary responsibility for the investigation and prosecution of crimes on campus lies with the Kean University Department of Public Safety and Police. In appropriate cases, the advice, expertise and assistance of various units of the New Jersey state police and the Division of Criminal Justice may also be used.

At Kean Ocean, law enforcement services are provided by the Toms River Police Department, which responds to fire and medical emergencies as well as reported crimes. While there is no formal Memorandum of Understanding (MOU) in place, the Toms River Police Department undertakes investigations of criminal activity at Kean Ocean.

At Wenzhou-Kean University, law enforcement services are provided by Wenzhou-Kean Security, which responds to fire and medical emergencies as well as reported crimes. Wenzhou-Kean Security works with local law enforcement agencies, including the Ou Hai Police Department and the Liao Police Department.

Monitoring and Recording Criminal Activity At Off-Campus Organizations

The University relies on its close working relationship with local law enforcement agencies to receive information about incidents involving students on campus. The KUPD also requests crime statistics from state and local law enforcement agencies that may have jurisdiction over property which is owned or controlled by Kean University. Likewise, the KUPD requests statistics from local law enforcement at the Wenzhou-Kean campus.

The Department of Public Safety/Police will actively investigate any crime information it receives concerning or involving a member of the campus community. If the University is notified of a situation in which a campus community member was the victim of a crime, the department may issue a Campus Safety Alert, detailing the incident and providing tips so that other community members may avoid similar incidents.

If the Kean University Department of Public Safety and Police is notified of crimes or other serious incidents occurring at off campus establishments or locations, they will forward any information for misconduct action to the Office of Community Standards and Student Conduct for students attending classes at either the Union or Kean Ocean campuses. Any misconduct reported at off campus locations in Wenzhou, China will be reported to Wenzhou-Kean's Office of Community Standards and Student Conduct.

Campus Reporting Authorities

The Clery Act specifies that officers of Kean University's Department of Public Safety and Police will serve as official campus security authorities for the purpose of reporting criminal offenses. Other officials of the University who have responsibility for campus security reporting under federal law include: individuals outside of Kean University Public Safety and Police who have responsibility for campus security; officials of the institution who have significant responsibility for student and campus activities; and other individuals identified by University campus security policies as the individuals to whom students and employees should report criminal offenses.

Professional staff and administrators within the following departments/units have been designated as campus reporting authorities: Office of the Vice President for Student Affairs, Office of Residential Student Services (including Resident Assistants and student security staff), Center for Leadership and Service (including faculty advisors to student groups), Department of Athletics and Recreation, Miron Student Center Operations and Event Management, Office of Community Standards and Student Conduct, Office of Student Government, Health Services, Kean Ocean Administration Office, Kean Ocean Campus Life Office, Wenzhou-Kean University Office of Academic Affairs, Wenzhou-Kean University Office of Student Affairs, Ocean County College Campus Security and Public Safety Department and University vice presidents and academic deans. Individuals affiliated with those departments are responsible for reporting crime statistics. Campus Security Reporting Forms are available from the Department of Public Safety and Police and may be obtained from the director of each administrative unit. The Campus Security Reporting Form can also be accessed at www.kean.edu/sites/default/files/images/CSAReportForm.pdf. At the Wenzhou-Kean campus, the Campus Security Reporting Form can be obtained from Wenzhou-Kean Security or the director of each administrative unit.

Campus ministers, Student Support Services Advocate, Kean Health Services clinicians, and psychological counselors within the Office of Counseling, Disability, Alcohol and Other Drug Services are exempt from reporting personally identifiable information, but must provide general statistical information for purposes of Clery reporting obligations.

Crime Prevention Programming

Basic informational and crime prevention materials are available to incoming students and their families during the orientation process. Transfer students, graduate students, international students and those using campus facilities for summer camps and recreation also receive basic crime awareness and prevention materials.

At the Union campus, crime prevention materials specifically targeted to resident students are distributed by the Office of Residential Student Services each semester. Police officers also make presentations to a number of sections of Transition to Kean, a course required of all first-time, full-time students.

In addition, a number of presentations are made annually to residence hall occupants. The Student Government Associations participates in an annual "Security Awareness Week," and the Department of Public Safety and Police participates by distributing crime prevention literature, taking part in informational programs, serving on panels and arranging specialized law enforcement demonstrations.

At the Kean Ocean campus, local law enforcement and Ocean Security personnel provide crime prevention information to students.

At the Wenzhou-Kean campus, local law enforcement and Wenzhou-Kean Security personnel provide crime prevention information to students. The University has invited the Anti-

drug brigade Police officer of Ou Hai branch of the Wenzhou public security bureau to give anti-drug lectures for all students. In addition, Wenzhou-Kean security publishes crime prevention articles and relevant emails to all the students regularly.

Kean University offers the New Media Learning online training program for all employees. The New Media Learning program provides training on preventing sexual harassment and employment discrimination to all new employees within a reasonable period of time after the date of hire. Refresher policy training is provided to all employees, including supervisors and managers, within a reasonable period of time.

Crime Statistics

The Kean Department of Public Safety and Police and Ocean County Security Department have been a contributor to the state and federal Uniform Crime Reporting System since 1975. Portions of the Uniform Crime Report for the last three calendar years may be reviewed within the Annual Campus Security and Fire Safety Report.

Wenzhou-Kean Security, in conjunction with Kean University's Department of Public Safety and Police, has been a contributor to the state and federal Uniform Crime Reporting System. The information may be reviewed within the Annual Fire and Safety Report.

Megan's Law and Sex Offender Notification

On October 31, 1994, Megan's Law was passed with the intention of providing information to the public about certain sex offenders within their community. The offenders are evaluated, registered and placed into tiers. The tier designation determines the level of community notification.

The Union County Prosecutor's Office notifies the Kean University Police Department of tier III Megan's Law violators. Implementation of the law at the University is a joint effort of the President's Office and Campus Police. Upon notification the following items will be distributed to each Vice President:

- ▶ Flyers (Only managerial and supervisory personnel are permitted to retain during the notification period).
- ▶ Notification Letter
- ▶ Citizen's Guide to Megan's Law
- ▶ Kean University Megan's Law Manual
- ▶ Manager's Notification Guide Sheet
- ▶ Departmental Notification Lists

Each staff member on the notification list reviews the flyer and notification letter and initials his/her signature on the notification list. All signed notification lists and accompanying materials are collected and forwarded to Campus Police.

Members of the Kean Union and Kean Ocean University communities seeking information on New Jersey sex offenders who are living, working, volunteering and/or enrolled at Kean University should consult the NJ State Police web site at www.state.nj.us/njsp/info/reg_sexoffend.html for the state sex offender registry.

What To Do In An Emergency

Phone Numbers

Kean University Main Campus Union and Hillside, NJ	Kean Ocean Campus Toms River, NJ	Wenzhou-Kean University Campus Wenzhou, Zhejiang
<p>Emergencies: 9-1-1</p> <p>Kean University Department of Public Safety and Police: (908) 737-4800 (Campus Extension: 74800)</p>	<p>Emergencies: 9-1-1</p> <p>Ocean County College Campus Security and Public Safety Department: (732) 255-0400, press 6 (Campus Extension: 2200)</p>	<p>Emergencies: 1-1-0</p> <p>Wenzhou-Kean University Security: 0577-55870110 or 0577-55870033</p>

Fires

- ▶ Activate the nearest fire alarm pull station.
- ▶ At the **Union and Kean Ocean campuses**, call 9-1-1 for immediate assistance.
- ▶ At the **Union campus**, call the Kean University Department of Public Safety and Police at (908) 737-4800 (or extension 74800 from an on-campus phone).
- ▶ At the **Kean Ocean campus**, call Ocean County Security Department at (732) 255-0400 ext.8 (or extension 2200 from an on-campus phone).
- ▶ At the **Wenzhou-Kean campus**, call 1-1-0 or the Wenzhou-Kean Security at 0577-55870110 or 0577-55870033.
- ▶ Notify occupants and help those needing assistance in the immediate area.
- ▶ Confine the fire by closing doors as you exit.
- ▶ Evacuate the building in accordance with posted evacuation procedures.
- ▶ Do not re-enter the building until authorized to do so by emergency personnel.

Building Evacuation Procedures

- ▶ When the fire alarm is activated, evacuation is mandatory.
- ▶ Do not use elevators.
- ▶ Take personal belongings (ID, keys, purses, wallets) and dress appropriately for the weather.
- ▶ Close doors as you exit.
- ▶ Move all personnel to designated evacuation areas.

Suspicious Packages

- ▶ Do not touch or disturb the object or package.
- ▶ Evacuate the immediate area.
- ▶ At the **Union and Kean Ocean campuses**, call 9-1-1 for immediate assistance.
- ▶ At the **Union campus**, call the Kean University Department of Public Safety and Police at (908) 737-4800 (or extension 74800 from an on-campus phone).
- ▶ At the **Kean Ocean campus**, call Ocean County

Security Department at (732) 255-0400 ext. 8 (or extension 2200 from an on-campus phone).

- ▶ At the **Wenzhou-Kean campus**, call 1-1-0 or Wenzhou-Kean Security at 0577-55870110 or 0577-55870033.

Bomb Threats

- ▶ Remain calm
- ▶ Get as much information as possible from the threatening caller.
- ▶ At the Union and Kean Ocean campuses, call 9-1-1 or the Kean University Department of Public Safety and Police at (908) 737-4800 (x74800).
- ▶ At the Wenzhou-Kean campus, call 1-1-0 or 0577-55870110 or 0577-55870033
- ▶ Follow instructions of emergency personnel.

Suspicious Behavior/Persons of Concern

- ▶ Do not physically confront the person exhibiting the behavior.
- ▶ Do not let anyone into a locked room or building.
- ▶ Do not block a person's access to an exit.
- ▶ At the **Union and Kean Ocean campuses**, call 9-1-1 for immediate assistance.
- ▶ At the **Union campus**, call the Kean University Department of Public Safety and Police at (908) 737-4800 (or extension 74800 from an on-campus phone).
- ▶ At the **Kean Ocean campus**, call Ocean County Security Department at (732) 255-0400 extension 8 (or extension 2200 from an on-campus phone.)
- ▶ At the **Wenzhou-Kean campus**, call 1-1-0 or Wenzhou-Kean Security at 0577-55870110 or 0577-55870033.

Active Shooters

- ▶ At the **Union campus**, if possible, exit the building immediately and call the Kean University Department of Public Safety and Police at (908) 737-4800 (x74800). If you cannot exit, clear the hallway

immediately and/or remain behind closed doors in a locked or barricaded room, stay away from windows, remain calm and quietly call 9-1-1 or the Kean University Department of Public Safety and Police at (908) 737-4800 (x74800).

- ▶ At the **Kean Ocean campus**, if possible, exit the building immediately and call Ocean County College Campus Security at (732) 255-0400 extension 8 (or extension 220 from an on-campus phone.) If you cannot exit, clear the hallway immediately and/or remain behind closed doors in a locked or barricaded room, stay away from windows, remain calm and quietly call 9-1-1 or Ocean County Security Department at (732) 255-0400 extension 8 (or extension 2200 from an on-campus phone.)
- ▶ At the **Wenzhou-Kean campus**, if possible, exit the building immediately and call 1-1-0. If you cannot exit, clear the hallway and/or remain behind closed doors in a locked or barricaded room, stay away from windows, and quietly call 1-1-0 or the Wenzhou-Kean Security at 0577-55870110.
- ▶ Evacuate the room only when authorities have arrived and instructed you to so.
- ▶ Do not leave or unlock the door to see “what is happening”.
- ▶ Do not attempt to confront or apprehend the shooter, unless as a last resort.
- ▶ Do not assume someone else has called Campus Police or emergency personnel.

Gas Leaks, Fumes, Vapors

If You Detect Natural Gas, Fumes or Vapors;

- ▶ Do not pull fire alarms.
- ▶ Do not touch light switches or electrical equipment.
- ▶ At the **Union campus**, call 9-1-1 or the Kean University Department of Public Safety and Police at (908) 737-4800 (x74800).
- ▶ At the **Kean Ocean campus**, call 9-1-1 or the Ocean County Security Department at (732) 255-0400 extension 8 (or extension 2200 from an on-campus phone.)
- ▶ At the **Wenzhou-Kean campus**, call 1-1-0 or Wenzhou-Kean Security at 0577-55870110 .
- ▶ Clear the area immediately if instructed to do so by the

police dispatcher.

- ▶ Provide your location and the location of the odor to the dispatcher.
- ▶ Provide as many details as possible to the dispatcher.

Hazardous Materials Spills

- ▶ If the incident is indoors and it is safe to do so, close all doors in order to isolate the area.
- ▶ At the **Union campus**, from a safe area call the Kean University Department of Public Safety and Police at (908) 737-4800 (x74800).
- ▶ At the **Kean Ocean campus**, call Ocean County Security Department at (732) 255-0400 extension 8 (or extension 2200 from an on-campus phone.)
- ▶ At the **Wenzhou-Kean campus**, call 1-1-0 or Wenzhou Security at 0577-55870110 or 0577-55870033.
- ▶ Be prepared to provide the following information;
 - ▶ Name of the material.
 - ▶ Quantity of the material.
 - ▶ Location of the incident.
 - ▶ If anyone is injured or exposed to the material.
 - ▶ If a fire or explosive is involved.
 - ▶ Your name, phone number and location.
- ▶ Follow instructions provided by the emergency responders.
- ▶ Evacuate if necessary

Flooding

- ▶ Flooding can occur due to major rainstorms, water main breaks or loss of power to sump pumps. In case of imminent or actual flooding;
- ▶ If you can do so safely;
 - ▶ Secure all vital equipment, records and hazardous materials.
 - ▶ Shut off non essential electrical equipment.
 - ▶ Wait for instructions from emergency responders or the Facilities Department. At Wenzhou-Kean, wait for instructions from emergency responders or Student Affairs personnel.
- ▶ Move all personnel to a safe area.
- ▶ Do not return to the area until instructed to do so by Campus Police or the Facilities Department. At the Wenzhou campus, do not return to the area until instructed to do so by local government officials.

Campus Alert System

Kean University utilizes CampusAlert™, a notification system for Campus Crisis Management and First Responder Communication provided by MIR3. CampusAlert™ is a secure notification platform that integrates with Kean University's existing communication infrastructure for sharing critical information. The CampusAlert™ system allows for the most flexible means of communicating with our students, faculty and staff. Whether your preference is a text message, email or a phone call, the system supports any of these

options or all simultaneously. CampusAlert™ messages may also be received after the initial user registration by downloading an app to Apple or Android based smartphones.

The CampusAlert™ System is maintained by the Office of Computer and Information Services (OCIS), and operated by the University Police.

Kean University will utilize this system to notify our community of the following announcements and/or emergencies:

▶ **Emergency Campus Events**

– Alerts to students and staff of security-related incidents, utility shutdowns, weather related closures and events and other critical advisories as events unfold.

▶ **Information**

Technology – Provide maximum warning for service disruption and recovery.

▶ **First Responder Mobilization**

– Alerts to campus security, police, fire and emergency services automatically.



from the system and/or continued messaging to you after you have graduated or otherwise separated from Kean University.

Kean University stresses that maintaining current contact information is critical to the effectiveness of the system and urges students, faculty and staff to update their contact information on a regular basis. All information supplied to this system is secure and will remain private.

In order to take advantage of the benefits this service provides; all students, faculty and staff must register by following the instructions below.

NOTE: All students residing in the residence halls or alternative housing are required to register for CampusAlert™.

CampusAlert™ Setup Instructions

To register:

1. Go to www.mir3.com/kean
2. Click on “Create Account”.
3. Type in your Kean University email address.
4. A temporary password will be emailed to you.
5. Follow the instructions in the email to complete your registration.

NOTE: If your registration is not complete, your account will be purged from the system and you will not receive alerts. Providing your cell phone or landline number will generate messages to these numbers as well as your Kean University email account, charges for calls/messages may apply according to your individual service plan.

STUDENTS: Please update the “Registered Through Date” when setting up your account. Failure to do so will result in your account being prematurely purged

ELERTS

The Department of Public Safety/Police is happy to announce the implementation of the ELERTS See Say™ mobile application for the Kean University community. This application will allow us to enhance our ability to interface with the campus community, and provide for a broad range of services staffing levels would not otherwise allow for

To Update An Existing Registration:

1. Once you have registered you can update your contact info by following the update instructions: Go to www.mir3.com/kean
2. Enter your Kean University e-mail address (or other e-mail address that was used to register).
3. Enter (or reset) your password.
4. Update your contact information.
5. Logout.

The University is committed to providing our students, staff, and faculty with services that enhance a safe and secure University community. As always, please feel free to contact the help desk at x76000 for further assistance.

Additional Assistance With CampusAlert™

Kean University is committed to providing our students, staff, and faculty with services that enhance the safety and security of our community. Please feel free to contact the OCIS Help Desk by phone at (908)737-6000 for assistance with registering, maintaining or removing an account with the CampusAlert™ system.

Kean Ocean Viking Alert

The Kean Ocean campus communicates information regarding crisis and emergent safety concerns via Viking Alert. The Viking Alert system can be accessed at: www.ocean.edu/content/public/study-on-campus/campus-life/security.html

through the “virtual escort” function. All members of the Kean community are invited to utilize these new services after fully reading and understanding the information provided on this page. ELERTS is intended for the use of Kean University Faculty, Staff & Students only. Campus guests may request a Safety Escort by calling the Police Desk at (908)737-4800.

About ELERTS

ELERTS See Say™ is a mobile application designed to provide a fast, easy way to report security concerns via iPhones, iPads and Android smartphones. The app provides the ability to call the University Police at (908) 737-4800 with the touch of a button, or to report a non-emergency concern by text (with or without an attached photograph). ELERTS also provides members of the Kean University community with the ability to activate a GPS-based “Virtual Escort” service through the “EscortMe” function within the application over either a cellular or Wi-Fi connection. A Virtual Escort will be monitored in real time by the Department of Public Safety/Police 24-hour Communications Center, which will dispatch the University Police in the event a distress signal is activated.

The Communications Center will have the ability to send and receive text based messages through the ELERTS app in the event follow up is needed on a report or escort, or the Department has specific or public information they wish to share with the registered users of this app. Messages sent through the app are delivered by “push”, and may result in a pop up message, audible alert, “tray” icon, etc. and/or data charges depending on your specific model of smartphone, device settings, and service plan.



ELERTS Registration Instructions

Download the app to your Android smartphone or iOS smartphone/tablet by following associated links on this page.

1. Agree to the Terms of Use.
2. Provide your first and last name, @kean.edu email address and your cell phone number. **NOTE: Registration with an @kean.edu email address is required. Registrations which do not include a @kean.edu email address will be deleted/purged from the system within 24 hours, and none of the features of the app will function until the registration is properly completed with a valid Kean University email address.**
3. Browse the organization list and select Kean University, then click the “Done” button until you reach the ELERTS launch screen.
4. The app is now ready to use.



ELERTS Rules for Kean University

1. True emergency situations should always be reported by phone to our Communications

Center at x74800 ((908) 737-4800 from off campus or cellular phones) or via 9-1-1 whenever possible. **NOTE: The specific location of an issue or incident should be included in the narrative for all text based reports. GPS locations may not always be accurate or specific, and are dependant upon numerous factors controlled by cellular carriers including but not limited to signal strength and network capabilities.**

2. In emergency situations on campus, the first priority of the University Police is to broadcast information through the CampusAlert™ system. Time permitting, emergency broadcast messages will be duplicated through both social media accounts and the ELERTS SeeSay™ app. Registration for CampusAlert™ is therefore strongly urged by anyone who intends to download and utilize this app.
3. The Communications Center may follow up on a text based report by sending one or more response messages and/or calling the listed phone number if more information is needed.
4. Improper use of the Virtual Escort function, or messages deemed to be abusive by the Department of Public Safety/Police, may result in the deletion of an ELERTS registration and/or a referral to the Office of Community Standards and Student Conduct / Human Resources for administrative sanctions.
5. False reports through this service may result in the filing of criminal charges, referral to the Office of Community Standards and Student Conduct, or both.
6. While the Department of Public Safety/Police will make every effort to respond to text reports received through this system, response times may vary due to high call volume or operational conditions. If there is any level of

urgency to what is being reported, all users of the app are urged to call the Communications Center directly at x74800 or utilize 9-1-1 for emergencies only.

7. The University Police will not respond to reports off campus property, including Virtual Escort duress signals. Use of ELERTS SeeSay™ for Kean University is intended for students, faculty and staff members while on campus only. When off campus, please seek out the responsible law enforcement or first responder agency accordingly.
8. The University Police will make every effort to locate a person who has activated a Virtual Escort duress signal provided the GPS information provided by the sending mobile device is specific enough to do so. The Communications Center will attempt to call the listed mobile number if officers are having difficulty locating the source of a duress signal and/or to confirm that

there is an emergency.

9. In the event a Virtual Escort duress signal is sent by accident, you are responsible to call the Communications Center as soon as possible to report this. You may be asked to remain on the line and/or meet with a police officer to ensure your safety. Failure to comply with the instructions of the dispatcher in this situation will be considered an improper use of the system as described above, and may result in sanctions and/or deletion of your ELERTS account.
10. The ELERTS application is only open to active students and employees of Kean University.

Any member of the community who has questions about this app may contact our Department by e-mail at kupolice@kean.edu for assistance.

Police and Fire Information

Important Telephone Numbers for the Kean University Department of Public Safety and Police

Kean Union Campus

Police/Fire/Ambulance.....	9-1-1
University Police (other than emergency).....	7-4800
Fire Safety	7-4813
Administrative Offices.....	7-4840
Operations Division	7-4840
Crime Prevention.....	7-4840
Records Section (Lost and Found).....	7-4810

These numbers may be reached from off campus by dialing (908) 73 before the extension shown.

For additional information, or to make arrangements for a crime prevention presentation by a police officer for your class or campus organization, please contact the Department of Public Safety and Police at extension 7-4840.

Kean Ocean Campus

Police/Fire/Ambulance.....	9-1-1
Ocean County Security.....	(732) 255-0400, press 6
Campus Extension	2200
University Police	(908) 737-4800

Additional information can be obtained by contacting Ocean County Security at extension 2200.

Wenzhou-Kean Campus

Wenzhou-Kean Security.... 0577-55870110 or 577-55870033

Emergency/ Police.....	1-1-0
Fire	1-1-9
Ambulance.....	1-2-0
Records Section (Lost and Found).....	0577-55870110

Crime Prevention Tips

Kean is an academic community committed to maintaining the safety and well-being of its community members. The campus covers more than 150 acres of land in two municipalities: Union and Hillside, as well as the branch campuses in Toms River, New Jersey and Wenzhou, Zhejiang Province, China. As in all communities, crime is a potential threat to any member of the University community. We want to assist in helping you protect yourself and your property. To reduce vulnerability to crime, you should consistently practice preventive measures.

Be aware that you are a potential victim of crime.

1. Avoid the use of alcohol and other drugs
 - People under the influence are more likely to be the victim of a serious crime or accident.
2. Immediately notify the University police if any person(s) or activity arouses your suspicion
 - Avoid isolation.
 - After dark, walk with others.
 - Avoid isolated areas (both indoors and outdoors).
 - Use well-lighted paths.
 - Have alternate means of transportation available.
 - Do not hitchhike or pick up hitchhikers.
3. Keep doors and windows locked
 - Do not prop open entrance doors.
 - Lock doors to dorm rooms, apartments and offices when unoccupied or when you are alone or asleep.

- ▶ Lock first-floor windows and security screens.
 - ▶ Do not allow strangers to enter residence buildings.
 - ▶ Report any suspicious person or activities immediately.
4. Do not leave property unprotected
- ▶ In your motor vehicle and residence room, store valuables out of sight.
 - ▶ Do not leave property unattended in the library,

- dining halls, academic buildings, offices, etc.
- ▶ Record the make, model and serial number of all valuables and engrave them with your driver's license number. This will increase the chances that any items recovered can be returned to you. Personal inventory forms are available at the Department of Public Safety and Police.

Missing Student Notification Policy

Pursuant to Section 488 of the Higher Education Opportunity Act of 2008, Kean University students have the option to register a confidential contact person to be notified in the event that the student is determined to be missing.

Policy

Kean students are provided with the option, on a voluntary basis, to register missing person contact information in KeanWISE upon enrollment, regardless of housing status. A student's missing person contact information will be kept separately from emergency contact information, even if the student has registered the same person. By providing missing student contact information, the student grants permission to the respective on-campus law enforcement agency to contact the identified individual for the purpose of a missing persons investigation.

The following chart provides contact information for the on-campus law enforcement agency to be contacted in the event that a Kean University student is believed to be missing at each respective location.

Union Campus	Kean Ocean	Wenzhou-Kean
Emergency: 9-1-1	Emergency: 9-1-1	Emergency: 1-1-0
Kean University Department of Public Safety and Police: (908) 737-4800	Ocean County College Campus Security and Public Safety Department: (732) 255-0400, Press 6	Wenzhou-Kean Security: 0577-55870100 or 0577-55870033
KUPD On Campus Extension: 74800	OCC Public Safety On-Campus Extension: 2200	Not Applicable

Any time a student is believed to be missing, the on-campus law enforcement agency must be contacted immediately, as provided in the chart above. Upon notification, the respective on-campus law enforcement agency, designated Student Affairs personnel, and/or Residential Student Services

personnel work together to locate missing students, notify appropriate local law enforcement, and check on the welfare of such students.

Each academic year Kean students are afforded the opportunity to provide, on a voluntary basis, missing person contact information. The missing person contact information will be kept separately from emergency contact information, even if the student has registered the same person. Missing person contact information will be used by law enforcement for the sole purpose of a missing persons investigation. The individual provided in the missing persons information will be contacted within 24 hours of the determination that a student is missing. A student may be considered a missing person by Kean University if the student is determined to be missing for a 24 hour period and the student's absence is contrary to his/her normal pattern of behavior or is the result of any unusual circumstance. Every missing student report will be immediately investigated once a student has been determined to be missing for 24 hours, though instances of bizarre disappearances, suspected kidnapping, or potential crimes will be acted upon immediately when reported. Anyone who believes a student to be missing must immediately report their concern to the respective on-campus law enforcement agency provided in the chart above. Most missing person reports in the college environment result from a student changing his/her routine without informing his/her roommates and/or friends of the change.



Residence Hall Fire Alarm Statistics, By Residence Hall

Spring 2018 - Fall 2020

Kean University Union Campus Residence Halls	Spring 2018	Fall 2018	Spring 2019	Fall 2019	Spring 2020	Fall 2020	TOTALS
Bartlett Hall (AN)	3	3	3	4	0	1	17
Burch Hall (AE)	12	3	10	7	1	3	36
Cougar Hall (CH)	0	43	23	24	11	12	113
Dougall Hall (DO)	1	0	3	0	0	0	4
Freshman Residence Hall (FRH)	15	26	9	22	15	13	100
Rogers Hall (AS)	6	10	4	8	2	0	30
Sozio Hall (AW)	2	4	1	2	1	2	12
Upperclassman Residence Hall (URH)	14	15	7	14	5	6	61
Whiteman Hall (WH)	0	0	0	1	0	1	2
Kean University Union Campus Totals	53	104	60	82	35	38	372
	157		142		73		
Wenzhou-Kean University Campus Residence Halls	Spring 2018	Fall 2018	Spring 2019	Fall 2019	Spring 2020	Fall 2020	TOTALS
Bamboo Hall	0	0	0	0	0	0	0
Crysanthemum Hall	0	0	0	0	0	0	0
Orchid Hall	0	0	0	0	0	0	0
Plum Hall	0	0	0	0	0	0	0
Wenzhou-Kean University Campus Totals	0	0	0	0	0	0	0
	0		0		0		
Kean University Totals	53	104	60	82	35	38	
	157		142		73		
			2018-2020 Total Fire Alarms, All Residence Halls				372

Procedure

If a student is designated as missing, the respective on-campus law enforcement agency will notify the individual listed in the missing person contact information within 24 hours. At the Wenzhou-Kean campus, Wenzhou-Kean Security or a designated Kean University administrator in consultation with local law enforcement will notify the individual listed in the missing person contact information within 24 hours. For students under the age of 18, a call will be made to both the custodial parents or guardians and the individual listed in the missing person contact information.

In the event a Kean University administrator receives a report that a student may be missing, he/she will collect and document the following information at the time of the report to provide to the appropriate on-campus law enforcement agency:

1. The name and relationship of the person making the report.
2. The date, time and location the missing student was last seen.
3. The general routine or habits of the suspected missing student (e.g. – visiting friends who live off-campus,

working a job away from campus) including any recent changes in behavior or demeanor.

4. The missing student's cell phone number (if known by the reporter).
5. Whether local law enforcement has been notified.

Upon notification from any entity that a student may be missing, the University, in collaboration with the appropriate on-campus law enforcement agency, may use any or all of the following resources to assist in locating the student.

1. Call and text the student's cell phone.
2. Go to the student's residence hall room.
3. Talk to the student's RA, roommate, and floor mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
4. Secure a current student ID or other photo of the student from a friend.
5. Send the student an email.
6. Check all possible locations mentioned by the parties above including, but not limited to, library, residence hall lounges, classroom and recreational facilities, etc.

Residence Hall Fire Alarm Statistics, By Cause Spring 2020 - Fall 2020

NOTE: All residence halls are provided with the following fire safety protection features;

- ▶ A complete supervised fire sprinkler system is provided throughout all residence halls
- ▶ A complete supervised fire alarm detection system is provided throughout all residence halls
- ▶ All furniture within the residence halls is required to have a fire resistance rating
- ▶ Fire evacuation drills for Main Campus Residence Halls: Two (2) fire evacuation drills per semester are mandated by the State of New Jersey:
 - ▶ The first fire evacuation drill must occur within the first 10 days of the beginning of the semester
 - ▶ The second fire evacuation drill for the semester must occur before dawn or after dusk

The Emergency Action Plan is an integral part of the above policy it explains our campus wide emergency evacuation procedures for all students, faculty and staff. Kean University's Fire Safety Policy and Emergency Action Plan can be found on the Kean University web site at: www.kean.edu/admin/uploads/fire_evacuationupdate_2012.pdf

The general Fire Safety Policy lists items that for safety reasons are **prohibited** on our campus. This policy along with the general fire safety prevention and education programs, are crucial to fire safety comprehension.

Monthly Fire Alarm Statistics for Residence Halls

Fire Alarms and Cause of Alarms	Kean University Union Campus								Wenzhou-Kean University Campus				TOTAL FIRE ALARMS	
	Bartlett Hall (AN)	Burch Hall (AE)	Cougar Hall (CH)	Dougall Hall (DO)	Freshman Residence Hall (FRH)	Rogers Hall (AS)	Sozio Hall (AW)	Upperclass Residence Hall (URH)	Whiteman Hall (WH)	Bamboo Hall	Chrysanthemum Hall	Orchid Hall		Plum Hall
Fire	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Cooking	0	3	12	0	5	0	2	6	0	0	0	0	0	28
Steam from Shower	0	0	0	0	11	0	0	3	0	0	0	0	0	14
Aerosol Sprays	0	0	0	0	1	0	0	0	0	0	0	0	0	1
Smoking	0	0	1	0	2	0	0	0	0	0	0	0	0	3
Accidental	0	0	0	0	0	1	0	0	0	0	0	0	0	1
Malfunction	0	1	8	0	2	1	1	0	0	0	0	0	0	13
Hair Care Products/Blow Dryer	0	0	1	0	6	0	0	1	0	0	0	0	0	8
Other	1	0	1	0	1	0	0	1	1	0	0	0	0	5
Totals	1	4	23	0	28	2	3	11	1	0	0	0	0	73

Fire Safety Systems in Residential Facilities

Kean University Union Campus Residence Halls	Fire Alarm Monitoring Done On-Site (by KPD)	Partial *1 Sprinkler System	Full **2 Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills Each Calendar Year
Bartlett Hall (AN)	YES	NO	YES	YES	YES	YES	4
Burch Hall (AE)	YES	NO	YES	YES	YES	YES	4
Dougall Hall (DO)	YES	NO	YES	YES	YES	YES	4
Freshman Residence Hall (FRH)	YES	NO	YES	YES	YES	YES	4
Rogers Hall (AS)	YES	NO	YES	YES	YES	YES	4
Sozio Hall (AW)	YES	NO	YES	YES	YES	YES	4
Upperclassman Residence Hall (URH)	YES	NO	YES	YES	YES	YES	4
Whiteman Hall (WH)	YES	NO	YES	YES	YES	YES	4

7. Contact or call any other on-campus or off-campus friends or contacts that are made known. This could include checking a student's social networking sites such as Myspace, Facebook and Twitter.
8. Ascertain the student's car make, model and license plate number.
9. Obtain electronic logs in order to determine the last time the student accessed the Kean University network and/or determine when the student last entered or exited campus buildings.

10. If appropriate, contact local law enforcement in the student's hometown for assistance in locating and ensuring the safety of the student. At the Wenzhou-Kean campus, local law enforcement may be contacted for assistance in locating and ensuring the safety of the student.

Policy updated September 2016.

The Office of Fire Safety

The primary mission of the Office of Fire Safety is to protect the health, safety and welfare of the Union campus community by providing fire and life safety educational and awareness programs. The Office is also responsible to continually review all campus facilities and buildings to create a “built in” fire safe environment in which faculty, staff and students are prepared/trained and able to react, evaluate and decide on the correct action should a fire or life safety emergency occur.

The Office of Fire Safety coordinates and acts as the liaison with the Department of Community Affairs – Division of Fire Safety (DFS) to facilitate and assist DFS inspectors in enforcing applicable provisions of the New Jersey International Fire Code and related regulations and standards. The goal of this Office is to achieve a fire safe environment, while assisting the Division of Fire Safety Inspectors to conduct inspections of buildings and structures including those classified as high rise and life hazard use for compliance with the New Jersey Uniform Fire Safety Code (UFC).

The Office of Fire Safety for the Union campus can be reached at (908) 737-4813.

The primary mission of Wenzhou-Kean Security and the Office of Residential Life is to protect the health, safety and welfare of the campus community by providing fire and safety information. The University is also responsible to continually review all campus facilities and buildings to create safety features and a fire safe environment in which faculty, staff and students are prepared/trained and able to react, evaluate and decide on the correct action should a fire or life safety emergency occur.



General Fire/Emergency

Before A Fire Emergency: Planning

1. Keep your most important personal belongings readily accessible, especially keys to your home and vehicle, pocketbook, wallet, medications and appropriate clothing for outside assembly. You may not be able to return to the building for an extended period!
2. Take time to get to know your building. Know the location of at least two of the nearest available exits from your area.
3. Do not use elevators in case of emergency they may not work!
4. Know the location of the nearest available fire alarm pull stations in the building where you are located and how to activate them. Fire alarm pull stations have self-inscribed instructions.
5. Fire extinguishers; based on this emergency action plan; only certain designated Kean employees are certified/trained to use a fire extinguisher. All other occupants of the building must evacuate!
Note: Building occupants are not required to fight fires
6. Be aware of persons in your area who would have difficulty evacuating due to physical limitations during an evacuation.
7. Be aware of any rooms or offices where an alarm may not be heard, including, but not limited to some bathrooms and photographic darkrooms.
8. Participate in fire drills and take them seriously.

9. **Accountability:** all classroom professors/instructors as well as administrative assistants for each and every department on campus shall be responsible for and utilize a university provided (copies available for download and printing at (www.kean.edu/admin/uploads/pdf/Emergency_Evacuation_Roster.pdf))—emergency evacuation attendance roster listing all employees and classroom occupants for each day. The emergency evacuation attendance roster shall only be collected during an actual emergency.

On Discovering: Reporting A Fire

1. Preferred method to notify occupants of a fire: If you observe fire or smoke activate the building's fire alarm pull station. Fire alarm pull stations have self-inscribed instructions.
2. **Time Permitting**, recover your most important personal belongings that are readily accessible, especially keys to your home and vehicle, pocketbook, wallet, medications and appropriate clothing for outside assembly. You may not be able to return to the building!
3. If smoke is present, crawl low to the floor to avoid toxic smoke and gases that collect at the ceiling.
4. Go to the nearest available exit and leave the building. Use the nearest available stairways; never use elevators! Elevators may not work in an emergency.
5. Preferred method to report a fire to emergency response personnel: Call University police (ext. 9-1-1 or (908) 737-4800) and provide your location and a description of the fire after you have left the building. Notification: All fires should be reported to our campus police at (908) 737-4800.
6. Preferred method to report a fire to emergency response personnel at the Kean Ocean campus: Call 9-1-1 and provide your location and a description of the fire after you have left the building.
7. At the Wenzhou-Kean campus, call 1-1-0 for immediate assistance in the event of a fire.
8. **Extinguisher Use**—If the fire is incipient—(*size of a wastebasket*) and you have taken the University provided annual fire extinguisher training, use—your safety first—discretion to select the proper type of fire extinguisher. Always keep an exit at your back. Attempt to extinguish the fire only after evacuation has started and the University Police have been called. Building occupants are not required to fight fires. Your safe evacuation should come first and foremost. As such all occupants are required to evacuate!

On Hearing the Fire Alarm: Evacuating the Building

1. All occupants of the building must immediately evacuate the building by proceeding to the nearest available safe exit and proceed to your designated assembly area.
2. **Time Permitting:** recover your most important personal

belongings that are readily accessible, especially keys to your home and vehicle, pocketbook, wallet, medications and appropriate clothing for outside assembly. You may not be able to return to the building!

3. When you leave your room, close the door to help prevent the fire from spreading.
4. If smoke is present, crawl low to the floor to avoid toxic smoke and gases that collect at the ceiling.
5. Alert all persons in your area as you are exiting the building.

If You Are Not Able to Leave: Shelter In Place

1. Feel the doorknob, with the back of your hand, before opening any door. If it is hot do not open the door. If it is not hot, brace yourself behind the door and open it slightly. If heat or heavy smoke is present, close the door and stay in your room. Keep low to the floor as products of combustion will accumulate at the ceiling.
2. If you cannot leave the room, seal the cracks around the door with wet towels or other materials. Call University Police: (908) 737-4800 (extension 9-1-1 from a campus phone) and let them know your location and that you are unable to exit. If you are at the Wenzhou-Kean campus, call 1-1-0.
3. If possible, open the window a few inches for fresh air and hang a white sheet or cloth out the window to alert the fire department of your location.
4. Close all other doors and windows in the vicinity of the fire.
5. Stay close to the window, holding a wet towel to your face; do not open the windows except to alert rescue personnel by hanging a white sheet or cloth out the window.

Exiting: Evacuating the Building

1. Leave the building using the nearest available safe exit.
2. Do not use the elevator! It may not work in a fire emergency!
3. If all exits are blocked, return to a safe location, close the door and call 9-1-1 to report your location. If you are at the Wenzhou-Kean campus, call 1-1-0 or Wenzhou-Kean Security at 0577-55870110.
4. When using the stairwell to evacuate, stay to the right, remaining close to the wall to allow the Fire Department personnel sufficient access to get to the fire floor or location of the emergency.
5. After leaving, move away from the building. Do not stand in the roadway! Stay a minimum of 150 feet from the building and meet at the designated assembly area for your location.
6. Click on the link below to review the Evacuation Assembly Area Map for the designated assembly area

for the Union campus. Campus police will advise if relocation is needed. www.kean.edu/admin/uploads/images/CampusPolice/Evacuation_Map.jpg

7. **Re-entry:** Do not re-enter the building until instructed by either the University Police or fire department officials with authority from the Incident Commander. Often the emergency response personnel silence the alarm prior to completion. A silenced alarm does not mean re-enter. Occupants will be notified to re-enter upon the fire and or police department mobile public address system.

Fire Evacuations: Occupants With Disabilities

The Human Resources Office and The Office of Counseling/Disabilities notify individuals of the option of being placed on a list of immobile faculty, staff, and students. Self-identification is voluntary and confidential. At the Union campus, the Fire Safety Director maintains a list of immobile residential students.



The campus police dispatcher receives an updated list each semester of all the occupants with disabilities and the designated areas of refuge. Personnel included on the list are met in person by the Fire Safety Director and given individual guidelines to follow along with a list of all buildings and areas of refuge within each building.

Prior to an emergency evacuation of any kind, a partner should be assigned or chosen to accompany and remain with the disabled occupant.; attempting to carry an immobilized person is discouraged.

If a fire alarm is activated, the following procedures should be followed at all times:

- ▶ The disabled occupant should call 9-1-1 to notify University Police of their location. If a phone is not readily available, the disabled occupant should ask a messenger to communicate their location to 9-1-1. At the Wenzhou-Kean campus, such information should be communicated to 1-1-0.
- ▶ Visually impaired but mobile persons should first be moved out of the rush of traffic and then promptly assisted to the nearest exit. Hearing impaired but mobile persons, who may be unaware of the need to evacuate, should be calmly advised and guided to the nearest available exit.
- ▶ Temporarily immobilized persons, including people wearing casts and/or using canes or crutches, should be assisted, depending on their ability to navigate stairs and maneuver through doorways. Persons should proceed into the stairwell and wait on the landing until additional help can be summoned.
- ▶ Permanently immobilized persons who have either limited or no use of their legs and must rely on crutches, wheelchairs or walkers for transport should proceed into the nearest available safe stairwell and wait on the landing until additional help can be summoned. The University Police and/or the local fire department will arrive to help complete the evacuation.

Residential Safety

Policy on Portable Electrical Appliances, Smoking and Open Flames

- ▶ The possession of candles, incense, hookahs, bongos and **open flame devices** are not permitted in any building.
- ▶ Neon signs and string lights (e.g. holiday lights) are prohibited. Personal lamps, including halogen lamps, are not allowed.
- ▶ **Unauthorized modification of space and the furnishings contained within**, including the installation of any air conditioners, paintings, and any personal furnishings is prohibited. Furniture such as chairs, couches, mattresses, waterbeds etc., is prohibited, other than furniture provided by the University.
- ▶ Electrical heat-producing appliances (stoves, George Foreman grills, toaster ovens, hot plates, and portable heating units) are prohibited, including all appliances that are not UL listed and appliances that are recalled

by manufacturers or government agencies.

- ▶ Open coil appliances for heating water and beverages are prohibited. Electric heaters are only allowed if provided by the University.
- ▶ **Smoking**, including e-cigarettes, is not permitted within any building on campus.
- ▶ Possession of highly flammable materials including gasoline, their containers (whether containing fuel or empty), Propane cylinders, Kerosene lamps, oil lamps, alcohol lamps, lighter fluid and other highly flammable substances are prohibited.
- ▶ Power strips without an internal circuit breaker and Underwriters Lab [UL] approval are prohibited. Power strips may not be used in series to gain greater length. Spliced, taped, or frayed cords shall not be used.
- ▶ Electrical cords should not be in the way of traffic (under carpets, in pathways, through doorways, taped down etc.). Extension cords and non-breaker multi-plug adapters are prohibited.
- ▶ Plug-in air fresheners are prohibited.
- ▶ Do not hang or attach anything to—or on—any lamp, light fixture, sprinkler head or any other fire detection and/or suppression device.
- ▶ Anything that damages, misuses, or otherwise interferes with the ready and proper operation of any fire detection or fire suppression equipment and related signs is forbidden. This includes, but is not limited to: sprinklers, heat and smoke detectors, extinguishers, fire alarm control panels, pull stations, annunciator, emergency lighting, exit signs, and emergency floor plan evacuation signs.
- ▶ **Prohibited items will be confiscated at the discretion of the University Fire Safety Office.**

Confiscation Policy

Residents in possession of prohibited items including but not limited to candles, toaster ovens, illegal extension cords, etc. may face disciplinary action. Residential Student Services staff, Campus Police Officers, the University's Fire Marshal or the State Fire Inspector can confiscate or discard any prohibited items considered a danger to a student or the community. Residents may collect items that have not been discarded within one week through their respective community centers. Items reclaimed must be removed from campus upon retrieval immediately. Any item not retrieved within one week will be discarded.

Resident Hall Evacuation

Residence hall professional and security staff are ultimately responsible for the fire evacuation procedure in their respective buildings. It is the residence hall professional and security staff's responsibility to make sure that each Resident Assistant, Desk Assistant, and resident is familiar with Kean University's General Fire Safety policy and Emergency Action Plan for his/her respective building(s). During their initial floor meeting each semester, Resident Assistants will provide fire safety information to the students who reside in their area of responsibility.



If a resident has a guest in their residence hall, that resident is responsible for escorting his/her guests out of the building, in the event of an emergency evacuation. Upon fire alarm activation, residence hall professional and security staff are to evacuate the building along with all the occupants and report to their designated evacuation assembly area. Once at the designated assembly area, the residence hall professional and security staff are to account for their residents. Any unaccounted for occupants are to be immediately reported to the residence hall professional and security staff and University Police. Under no circumstance should anyone remain in the building during fire alarm activation, unless expressly instructed to do so by emergency response personnel.

Residence Hall: Occupants With Disability

Occupants with either a permanent or temporary disability should be reported to the University's Fire Marshal who maintains a confidential list within our emergency dispatch center. Awareness of occupants with a disability is the key to assisting during an emergency. Prior to an emergency evacuation of any kind, a partner should be assigned or chosen to accompany and remain with the disabled occupant.

Most enclosed staircase landings within each building are listed as an area of refuge. In the event that an individual is unable to exit into the staircase landing, whether because of a physical impairment or due to a fire condition in the hallway, that person is to remain in his or her room and or office and notify University Police at ((908) 737-4800) Important; See shelter in place guidelines.

It is required that Wenzhou-Kean Security know of faculty, staff and student's immobility, even if the immobility is temporary.

Fire Safety Education and Training

Each semester the University's Fire Marshal provides training and education to Residential Student Services and Campus Safety personnel at the Union and Wenzhou-Kean campuses. The training includes four (4) main components. (1) Fire prevention. (2) Occupant awareness – (building awareness and evacuation procedures). (3) Fire detection – (smoke detectors vs. nuisance alarms) and (4) Fire suppression – (sprinklers do's and don'ts) within the residence halls.

Fire Safety Education and Training: Campus-Wide

At the beginning of each fall semester our campus community is provided literature on campus fire safety, including emergency response protocol and procedures. This information is provided to all faculty, staff, and students In addition to

this information the University provides practical and realistic building evacuation drills for each building on-campus. These evacuation drills are designed to train our faculty and staff and to evaluate their efficiency and effectiveness in carrying out emergency evacuation procedures.

At the Union campus, Kean University Police assist with this orderly evacuation training of each building on campus provided by Kean University's Office of Fire Safety. Please refer to: www.kean.edu/admin/uploads/pdf/CampusPolice/KeanQuickReferenceGuide.pdf.

Plans for Future Improvements In Fire Safety

The fire safety office is continuously reviewing our campus facilities/buildings and educational/awareness programs to provide a "built-in" fire safe environment in which the faculty, staff and students are prepared/ trained and able to react, evaluate, and decide on the correct action should an emergency occur.

Fire and Crime Logs

At the Union campus, the Department of Public Safety/Police maintains a daily log concerning crimes reported to the Police Department. The categories contained in the crime log are: crime classification; date, time and general location of the crime; and disposition of the complaint. The above information will appear for each crime reported unless the disclosure of such information is prohibited by law; would jeopardize the confidentiality of the victim; would jeopardize an ongoing criminal investigation; would cause a suspect to flee or evade detection; would jeopardize the safety of an individual; or would result in the destruction of evidence. The Department of Public Safety/Police also maintains a fire log for any fire that occurs in any on campus housing facility at the Union campus. Both the crime and fire log are available for public inspection at the Police Department's Records Bureau during normal business hours and are updated within two business days of the occurrence of the incidents.

The information contained in the crime log is additionally provided to the University's newspaper, The Tower and featured in the Police Blotter, and distributed daily via the University's electronic mail system.

A public crime log is maintained by Ocean County Security Department at the Kean Ocean campus. The crime log is updated within two business days of the occurrence of an incident. The log is available during normal business hours at the Ocean County Security Department.

A public fire and crime log is maintained by Wenzhou-Kean Security. The log is updated within two business days of the occurrence of an incident. A copy of the log can be found at Wenzhou Municipal Police Substation.

Timely Warning

The Department of Public Safety/Police will issue Timely Warnings / Crime Alerts to the campus community in the event of a reported crime that, in the judgement of the Director of Public Safety or a designee, poses a potential ongoing or continuing threat to students and faculty/staff. A Timely Warning may be issued as a result of an event

occurring on-campus or surrounding public property.

At the Wenzhou-Kean campus, Wenzhou-Kean Security or the Student Affairs Department will issue Timely Warnings and Crime Alerts to the campus community in the event of a reported crime that poses a potential ongoing or continuing

threat to students and faculty/staff. The Vice President responsible for Wenzhou-Kean Security will issue timely warnings.

Timely Warnings will include different amounts of information, depending on the circumstances of each incident. The crimes for which Timely Warnings may be issued include, but are not limited to; arson, homicide, burglary, robbery, sex offenses, aggravated assault and motor vehicle theft. Most Timely Warnings will include crime prevention information to help the University community take preventive measures. Timely Warnings will be issued as soon as pertinent information is available.

One or more of the following mechanisms will be utilized for Timely Warnings:

- ▶ **Police Blotter:** University's weekly newspaper, *The Tower*.
- ▶ **Crime Prevention Printed Alerts:** Posted in residence halls, at student organizations and in academic building common areas. Printed Alerts may also be targeted to specific areas or unit administrators depending upon the specific crime or incident.
- ▶ **Crime Prevention E-mail Alerts:** Immediately entered into the University's electronic mail system and broadcast by the Office of University Relations to anyone who has a @kean.edu address. Designated administrators in the Department of Public Safety/Police have the ability to initiate a direct E-mail broadcast in the absence of University Relations personnel.
- ▶ **The Campus Alert System:** See www.kean.edu/campusalert for system registration, features and instructions.
- ▶ **Social Media:** Facebook, Twitter & Instagram sites for both Kean Union and Kean Ocean; WeChat at Wenzhou-Kean.
- ▶ **The Cougar's Byte:** University's internal student newsletter, *The Cougar's Byte*.

The mechanisms identified above alert the University

Community to what is occurring on and around our campus. The information disseminated will assist the University community in identifying prevention techniques that can be utilized to avoid victimization. Updates to Timely Warnings, when needed, will be provided by E-mail or Campus Alert.

Emergency Alerts

In addition to Timely Warnings, should there be a serious incident that poses an immediate threat or serious disruption to members of the Kean community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages and other notification methods available via the Campus Alert System, and emergency messages that scroll across computer screens when logged onto the University's website. The University will post updates during a critical incident on the University's website at www.kean.edu and may provide updates through any or all of the means listed in the previous section for Timely Warnings. Once an alert has been issued, individuals can call the University's main number of (908) 737-KEAN (5326) to access recorded information.

The decision to issue a Timely Warning or Emergency Alert is made in coordination and consultation between the Chief of Staff, Vice President for University Relations, and the Director of Public Safety. In the event of a serious emergency, notification processes will be implemented at the sole direction of the Director of Public Safety or the ranking police officer available in their absence.

At Wenzhou-Kean, emergency alerts are communicated by email and text messages. The decision to issue a timely warning is made by the Vice Chancellor responsible for security and the Director of Campus Security.



Jeanne Clery Act Crime Statistics

The Kean Department of Public Safety and Police has been a contributor to the state and federal Uniform Crime Reporting System since 1975. Portions of the Uniform Crime Report for the last three calendar years may be reviewed in *The Annual Campus Security and Fire Safety Report*.

Kean University Main Campus

Crime Reporting Statistics

January 2018 - December 2020

In Compliance with the Jeanne Clery Act

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Criminal Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	1	0	0	0	1	0	0	0
Aggravated Assault	0	0	0	0	1	0	0	0	0	0	0	0
Burglary	2	0	0	0	0	0	0	0	2	0	0	1
Motor Vehicle Theft	0	0	0	0	2	0	0	0	1	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Rape	1	0	0	1	2	0	0	2	6	0	0	5
Fondling	0	0	0	0	2	0	2	0	4	0	0	3
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime	A	B	C	D	A	B	C	D	A	B	C	D
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	3*	0	0	0	0	0	0	0	0	0	0	0
Destruction, Damage, or Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Domestic Violence	0	0	0	0	0	0	0	0	2	0	0	2
Dating Violence	0	0	1	0	3	0	0	3	3	0	0	2
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

*In 2020 there was a report of a bias incident where the victim was verbally insulted and reported feeling intimidated and biased against based upon presumed sexual orientation.
 Unfounded Crimes: 2018- 1, 2019-0, 2020-0.

Number of Arrests for Following Crimes

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Reported Crime or Offense	A	B	C	D	A	B	C	D	A	B	C	D
Liquor Law Violations	0	0	0	0	2	0	0	2	5	0	0	2
Drug Related Violations	3	0	4	0	12	0	10	7	12	0	1	7
Weapons Possession	1	0	0	0	2	0	0	1	1	0	0	0

Arrest statistics gathered from Kean University Public Safety and Police Department.

Number of Persons Referred for Campus Disciplinary Action

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Reported Violation	A	B	C	D	A	B	C	D	A	B	C	D
Liquor Law Violations	31	0	0	31	80	0	0	77	91	0	0	90
Drug Related Violations	29	0	0	29	19	0	0	19	81	0	0	78
Weapons Possession	0	0	0	0	0	0	0	0	4	0	0	4

Campus disciplinary statistics gathered from the Office of the Vice President for Student Affairs.

Kean Ocean Campus

Crime Reporting Statistics

January 2018 - December 2020

In Compliance with the Jeanne Clery Act

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Criminal Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Rape	0	0	0	0	0	0	0	0	1	0	0	0
Fondling	0	0	0	0	0	1	0	0	0	1	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime	A	B	C	D	A	B	C	D	A	B	C	D
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	1	0	0	0
Destruction, Damage, or Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Domestic Violence	0	0	0	0	1	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	1	0	0	0	0	0	0	0

**There were no incidents of bias hate crimes reported for 2020.
 2018: One (1) hate crime – Intimidation based on religion bias and sexual orientation. Unfounded Crimes: 2018-0, 2019-0, 2020-0

Number of Arrests for Following Crimes

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Reported Crime or Offense	A	B	C	D	A	B	C	D	A	B	C	D
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Related Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0

Arrest statistics gathered from Kean University Public Safety and Police Department and Ocean County College Campus Security and Public Safety Department.

Number of Persons Referred for Campus Disciplinary Action

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Reported Violation	A	B	C	D	A	B	C	D	A	B	C	D
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Related Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0

Campus disciplinary statistics gathered from the Office of the Vice President for Student Affairs.

Wenzhou-Kean University Campus

Crime Reporting Statistics

January 2018 - December 2020

In Compliance with the Jeanne Clery Act

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Reported Criminal Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Murder/Non Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime	A	B	C	D	A	B	C	D	A	B	C	D
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction, Damage, or Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses	A	B	C	D	A	B	C	D	A	B	C	D
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	1	0	0	0	0	0	0	0

*There were no incidents of bias hate crimes reported for 2020.
Unfounded Crimes: 2018-0, 2019-0, 2020-0.

Key to locations of reported arrests and referrals for campus disciplinary action

A = On-Campus

B = Non-Campus Building

C = Public Property

D = In Residence Hall System (OCC does not have Residence Halls)

Note: 'A' "On-Campus" category includes all crimes reported in 'D' "In Residence System" category.

Key To Locations of The Reported Criminal Offenses Table:

A = On Campus "any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and property within the same reasonably contiguous geographic area of the institution that is owned by the institution but not controlled by another person, is used by students, and supports institutional purposes."

B = Non-campus Building "any building or property owned or controlled by a student organization recognized by the institution; and any building or property (other than a branch campus) owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution."

C = Public Property "all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes."

D = In Residence System "all residence halls or other residential facilities for students on campus."

Number of Arrests for Following Crimes

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Reported Crime or Offense	A	B	C	D	A	B	C	D	A	B	C	D
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Related Violations	0	0	0	0	3	0	0	3	4	0	0	4
Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0

All statistics gathered from Wenzhou-Kean University Office of Student Affairs

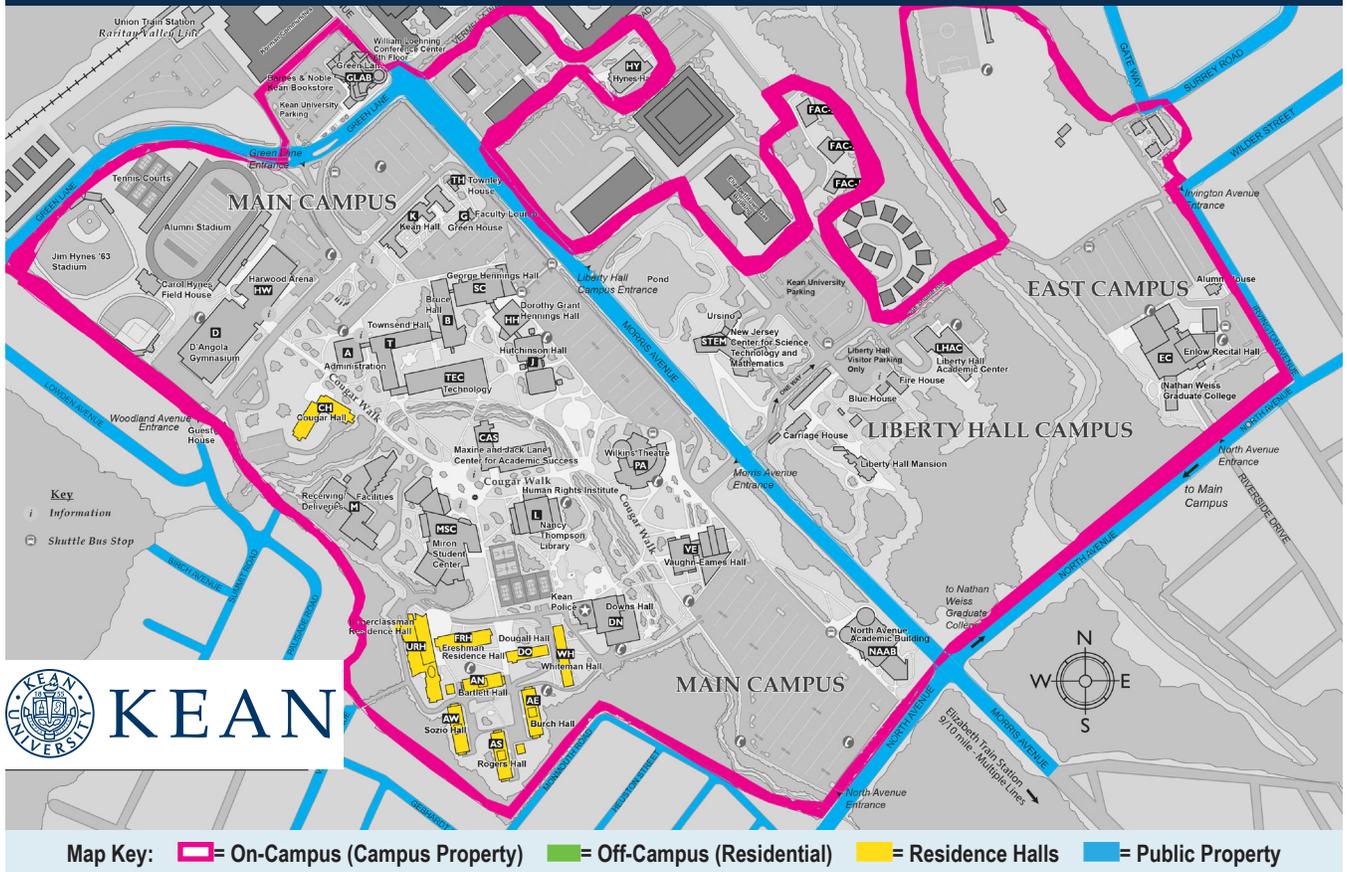
Number of Persons Referred for Campus Disciplinary Action

Calendar Years	2020				2019				2018			
	1/1/20-12/31/20				1/1/19-12/31/19				1/1/18-12/31/18			
Reported Violation	A	B	C	D	A	B	C	D	A	B	C	D
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Related Violations	0	0	0	0	1	0	0	1	4	0	0	4
Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0

Campus disciplinary statistics gathered from the Wenzhou-Kean University Office of Student Affairs.



Kean University Union Campus



Underage Drinking/Driving

In the State of New Jersey, if you are under 21 and drive with a blood alcohol concentration (BAC) of 0.01 percent or more, you will be subject to the following penalties:

- ▶ Loss or postponement of driving privileges for 30 to 90 days;
- ▶ 15 to 30 days of community service;
- ▶ Participation in a program of alcohol education and highway safety.

To reach a BAC of 0.01 percent, you only need one alcoholic drink. If you are under 21 and drive while under the influence of alcohol and/or drugs, or with a BAC of 0.01 percent or more, you may be subject to all the penalties for driving under the influence.



another.

- ▶ **Negligent Manslaughter:** The killing of another person through gross negligence.
- ▶ **Robbery:** The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- ▶ **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- ▶ **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
- ▶ **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
- ▶ **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

VAWA Offenses

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

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

Domestic Violence: A felony or misdemeanor crime of violence committed:

- ▶ By a current or former spouse or intimate partner of the victim;
- ▶ By a person with whom the victim shares a child in common;
- ▶ By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- ▶ By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- ▶ By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Hate Crimes

A hate crime is defined as any of the above criminal offenses and/or any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of bias. The categories of bias under the Clery Act are : Race, Religion, Sexual Orientation, Gender, Gender Identity, Ethnicity, National Origin and Disability. Additionally, any of the crimes listed below will be considered hate crimes if there is evidence that the crime occurred due to bias as designated above.

- ▶ **Larceny:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another
- ▶ **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- ▶ **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- ▶ **Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Reporting Crimes and Emergencies

Union Campus

The Union campus maintains its own police department, providing patrol and response 24-hours-a-day, seven days per week. Members of the University community are encouraged to report all crimes actual, attempted, or suspected—as well as any other emergency situations.

Code Blue emergency telephones have been strategically placed at 14 outdoor and 5 indoor locations throughout the Union campus; use them for non-emergency and emergency situations. For non-emergencies, use the keypad to dial five-digit on-campus telephone numbers. For emergencies push the red button. The police non-emergency number is 74800. Free on-campus telephones are located in the lobbies and corridors of most campus buildings.

Kean University Blue Light Emergency Telephones

1. D'Angola Gymnasium - Rear of Building Facing Playing Fields
Phone # 737-5547
2. D'Angola Gymnasium - Side of Building Facing Woodland Ave.
Phone # 737-5548
- 3.
4. Hutchinson Hall - Sidewalk Next to Parking Lot
Phone # 737-4096
5. Vaughn-Eames Lot - Sidewalk by Guard House
Phone # 737-4382
6. Downs Hall - On Path to Residence Hall
Phone # 737-4899
7. Wilkins Theatre (TPA) - Main Entrance Facing Circle
Phone # 737-4366
8. University Center - Corner Facing Library Next to Path
Phone # 737-5296
9. Library - Front Corner Facing Brook
Phone # 737-4696
10. Industrial Technology Bldg. - Entrance Facing Brook
Phone # 737-3567
11. East Campus - Side Entrance Facing Upper Parking Lot
Phone # 737-5997
12. East Campus - Corner of Bldg. Facing Lower Parking Lot
Phone # 737-5996

13. LHAC - Back of building near Handicapped parking
Phone # 354-5059
14. Science Bldg. - Room 249
Phone # 737-3723
15. Bruce Hall - Room 215
Phone # 737-3621
16. Vaughn-Eames Lot - Sidewalk (Middle of Lot)
Phone # 737-4381
17. Vaughn-Eames Lot - Rear of Lot
Phone # 737-4380
18. Kean Lot (campus side of Green Lane) - Middle of Lot
Phone # 737-3496
19. Burch Hall - Behind Burch Hall
Phone # 737-6698
20. New Freshman - Behind Freshman and Bartlett
Phone # 737-7323

UPDATED 9-Sep-19

Ocean County College - Kean Ocean Campus

Emergency Call Boxes are located in Ocean County College campus buildings and in Ocean County College parking lots #1 and #2. In the parking lots call box locations are indicated by a bright blue light above each call box.



Anonymous Reporting

Members of the Kean University community may report criminal or suspicious activity anonymously either by calling the Police Communications Center at (908) 737-4800, or by emailing kupolice@kean.edu with as specific a report as possible. University Police Officers may also be asked to file a report by anyone without revealing their identity. Anonymous reporting should not be used

during an emergency situation. Anonymous reports will be investigated as fully as the amount of information provided for allows, however it may not be possible to bring charges with the absence of an identified victim or witness to a crime. Anonymous reports are counted and disclosed in the proper category within the annual security report for the University.

Smoke-Free Air Act and Kean University No Smoking Policy

Kean University is "Smoke Free"; this means that in following with the NJ State regulations of the smoke free air act, Kean updated it's policy and prohibits smoking in any and all public buildings on campus, private offices, maintenance areas, including all state vehicles and no smoking in or around the grounds of the Child Care Facility in Campus School North. In addition, any individuals who must smoke are required to stay a minimum of three (3) feet from any building entrance.

The following is the state's regulation:

As of April 15, 2006, all indoor workplaces and public places became smoke free. This law, enacted by the Senate and General Assembly of New Jersey, protects employees and the public from second- hand smoke. Signage is required at every public entrance and must be properly maintained where smoking is prohibited. These signs will be placed at all main entrance doors within the next few weeks. Signs also must state that violators may be fined. The following fines can be levied if someone is

caught or is turned in for breaking this law:

- ▶ *A fine of not less than \$250 for the first offense*
- ▶ *\$500 for the second offense*
- ▶ *\$1,000 for each subsequent offense*

Enforcement at Kean University will be the responsibility of all University personnel. Anyone found smoking inside any public buildings on campus, private offices, maintenance areas, or state vehicles will be subject to progressive disciplinary action by the University. Complaints can be reported to the Environmental Health and Safety Officer, Human Resources, 2nd floor, Administration Building.

Drug and Alcohol Policy

The information found within this section of the Annual Security Report provides information that complies with the Drug-Free Schools and Campuses Regulations

I. Drug and Alcohol Policy Statement

A. Policy Overview

Kean University is an educational institution that strives to create and maintain an environment that is free from substance abuse and the negative consequences that



result from illicit use and abuse. The following expectations and drug and alcohol policies apply to all Kean University campuses. The University has made a commitment to educate its community about the physical, psychological and legal consequences of substance abuse, as well as provide treatment or referral services to those in need of assistance.

B. Kean University Alcohol Policy Statement

Kean University's Board of Trustees considers the consumption of alcoholic beverages within its confines a privilege subject to the limitations imposed by law and University policy as befitting the decorum and dignity of an academic community. Kean University acknowledges its commitment to encourage students to pursue a quality education by providing an environment that is conducive to the total health, education and well-being of the person. To this end, the University permits the moderate and responsible consumption of alcoholic beverages on campus within stated limits. The sale, service and consumption of alcoholic beverages must comply with the limitations established by University policies, local ordinances, New Jersey state laws, applicable federal laws, and local ordinances and laws at the Wenzhou-Kean campus.

C. Kean University Illicit-Drug Policy

Kean University abides by the laws of the federal, state and local governments that prohibit the possession or distribution of illicit narcotics, drugs or other controlled dangerous substances. Kean University has certified to both the federal and state of New Jersey governments that it is committed to maintaining a drug-free workplace as stipulated by the Drug-Free Workplace Act of 1988 and New Jersey Gov. Thomas Kean's Executive Order 204 of March 18, 1989. Kean University enforces the drug laws as legislated and approved by the New Jersey Comprehensive Drug Reform Act of 1986 (Code of Criminal Justice, 2c: 35-1). Kean University



is compliant with the Drug Free Schools and Communities Act of 1989 and its biennial reporting requirement. Copies of the Kean University report are available on request from the Office of the Vice President for Student Affairs.

II. Standards of Conduct

A. Alcohol Regulations

1. The Vice President for Student Affairs has been charged with overall responsibility to administer and enforce the campus alcohol policies.
2. All members of the University community, students, faculty, staff, administrators, alumni and their guests, are subject to limitations and procedural requirements established therein.
3. A person who has not attained the legal drinking age of 21 will not acquire, possess or consume any alcoholic beverage on the campus, nor will such underage person enter any facility with the intent to acquire, possess or consume any alcoholic beverage.
4. A person of legal age will not give any alcoholic beverage to a person under the legal drinking age, nor will he or she assist or allow such person to acquire or consume any alcoholic beverage.
5. Disorderly conduct resulting from the use of alcohol is unacceptable and will be considered a serious violation of the *Code of Student Conduct*.
6. Students and staff are not permitted to bring alcoholic beverages to campus athletic and social events.
7. Alcohol may be served on campus only in designated areas, provided the event receives special authorization from the Office of the Vice President for Student Affairs.
8. Alcoholic beverages are not permitted in any student or University staff office.
9. The consumption, sale and possession of alcoholic beverages must be confined to the areas specified in this policy.
10. Anyone carrying open containers of alcoholic beverages and/or consuming alcohol outside of these specified locations will be in violation of University policy, township ordinance and state law and are subject to legal and/or conduct action.
11. Any disruptive and/or inappropriate behavior resulting from the use of alcoholic beverages will be considered a serious violation of University policy.

B. Illicit-Drug Regulations

The possession or distribution of narcotics, dangerous drugs or controlled dangerous substances that are prohibited by the laws of the federal, state or local government are also clearly prohibited by Kean University and are subject to legal action.

C. Other Sanctions

The above sanctions do not supplant or supersede statutory or administrative law at the state, county or municipal level. Strict compliance with such laws will be the responsibility of all organizations and individuals. Violators of the law may be subject to penalties imposed by a court or other empowered board, agency or commission, in addition to any action taken by the University.

III. Kean University Sanctions for Violation of Standards of Conduct

A. Violation of the Alcohol Policy

1. Any student who fails to adhere to this policy will be found responsible for violating the *Student Code of Conduct* and subject to appropriate remedies as determined by the University. These remedies are designed to educate the student about the consequences of substance abuse and may include—upon exercise of the discretion of the student conduct administrator— fine, warning, probation, parental notification, suspension or dismissal, as well as revocation of the privilege to consume alcohol on campus and/or to attend University-sponsored events at which alcohol will be served or consumed.
2. The student conduct administrator may, upon exercise of professional discretion, institute the following system of fines:
 - a. First Violation – \$75 fine
 - b. Second Violation – \$125 fine
 - c. Third Violation – \$300
 1. Non-resident Student – \$200

All of the above remedies are cumulative for one year, September 1 through August 30. Alcohol violations in the residence halls are appealed to the Office of Residential Student Services. Alcohol violations from non-resident students are handled by the Office of Community Standards and Student Conduct.

Additional remedies may be assigned as deemed appropriate by the assigned student conduct administrator. These remedies may include the following: parental notification, restriction from attending University events, residence hall no trespass orders, University-wide no trespass orders, residence hall contract termination, and mandatory substance abuse education and/or treatment, among others. A student has the right to appeal assigned remedies as set forth in the *Student Code of Conduct*.

B. Violation of Illicit-Drug Policy

1. The Office of Community Standards and Student Conduct will review each case for conduct action, which may include suspension or expulsion from the University. Only significant extenuating circumstances

and/or required enrollment and active participation in a drug rehabilitation program will be considered as a condition of continued enrollment.

2. Students involved in the distribution or sale in any way of any amount of illicit drugs will be suspended from the University as a minimum sanction. Students involved in the use or possession of illicit drugs will be arrested.
3. The University reserves the right to remove from the residence halls by way of contract termination a resident student involved in the use, possession or sale of illicit drugs at any time during the year.

IV. Legal Sanctions for Drug and Alcohol-Related Offenses

There are numerous local, state and federal laws regarding the inappropriate use of drugs and alcohol. The following is a limited sample of offenses and sanctions. Additional information on local, state and federal laws governing the illegal use of drugs and alcohol may be obtained from the Kean University Police. Substances considered illicit by the Chinese government or the United States are not permitted. At the Wenzhou-Kean campus, laws of both the People's Republic of China and the United States apply.

The law requires mandatory compliance with these standards of conduct. Therefore, this statement serves notice that conduct sanctions (consistent with local, state and federal law), up to and including suspension/dismissal, termination of employment, referral for prosecution and/or



referral to an appropriate rehabilitation/treatment program, will be imposed on students who violate them.

Police officers in New Jersey, including Kean University police officers, under the terms of the Drug Enforcement Action Plan enacted by the state attorney general, have no discretion in regard to the enforcement of the drug laws. Unless a failure to arrest is for the purpose of protecting an ongoing undercover investigation, every police officer is obliged to effect an arrest when probable cause exists to believe that a violation of the drug laws has occurred.

Offense:

Persons who are found guilty of driving while under the influence of alcohol or drugs that impairs the operator's ability to safely operate a motor vehicle.

Sanction:

First Offense

- ▶ A fine of \$250-\$400
- ▶ Discretionary imprisonment of up to 30 days
- ▶ Six months to one-year driver's license suspension
- ▶ 12-48 hours in an Intoxicated Driver Resource Center;
- ▶ \$25 a day
- ▶ \$1,000 insurance surcharge to be deposited in a Drunk Driving Enforcement Fund

Second Offense

- ▶ A fine of \$500-\$1,000
- ▶ Imprisonment of not less than two days and up to 90 days
- ▶ Two years license suspension

- ▶ 30 days of community service
- ▶ \$100 fine paid to the Drunk Driving Enforcement Fund

Third Offense

- ▶ A fine of \$1,000
- ▶ Imprisonment of 180 days; up to 90 days of this penalty may be served performing community service
- ▶ 10 years license suspension
- ▶ \$100 surcharge to be deposited in a Drunk Driving Enforcement Fund
- ▶ \$1,500 surcharge per year for three years

Offense:

For any person under the legal drinking age to enter any licensed premise with intent to purchase any alcoholic beverage, or person of legal drinking age with intent to purchase any alcoholic beverage for someone under the legal drinking age.

Sanction:

- ▶ Minimum up to \$1000 fine
- ▶ Mandatory one-year driver's license suspension
- ▶ Mandatory participation in an Alcohol Education Program
- ▶ Up to 6 month's imprisonment

Offense:

The use of an altered driver's license as identification

Sanction:

- ▶ Up to \$1,000 fine
- ▶ Up to one year's imprisonment



Offense:

Consumption of an alcoholic beverage in a motor vehicle by either driver or passenger

Sanction:

- ▶ \$200 fine

Offense:

Unlawful use of a prescription drug

Sanction:

- ▶ Up to \$1,000 fine
- ▶ Up to 180 day imprisonment

Offense:

Possession of a controlled substance depends on the schedule of the drug

Sanction:

- ▶ Up to five years' imprisonment
- ▶ Up to \$25,000 fine
- ▶ Six months' suspension of driver's license

Offense:

Growing marijuana depends upon the amount

Sanction:

Under 1 ounce:

- ▶ \$10,000 fine
- ▶ Up to 18 month's imprisonment

1 ounce – 5 pounds:

- ▶ \$25,000 fine
- ▶ Up to 3-5 years imprisonment

Offense:

Distribution of anabolic steroids depends on the chemical being distributed

Sanction:

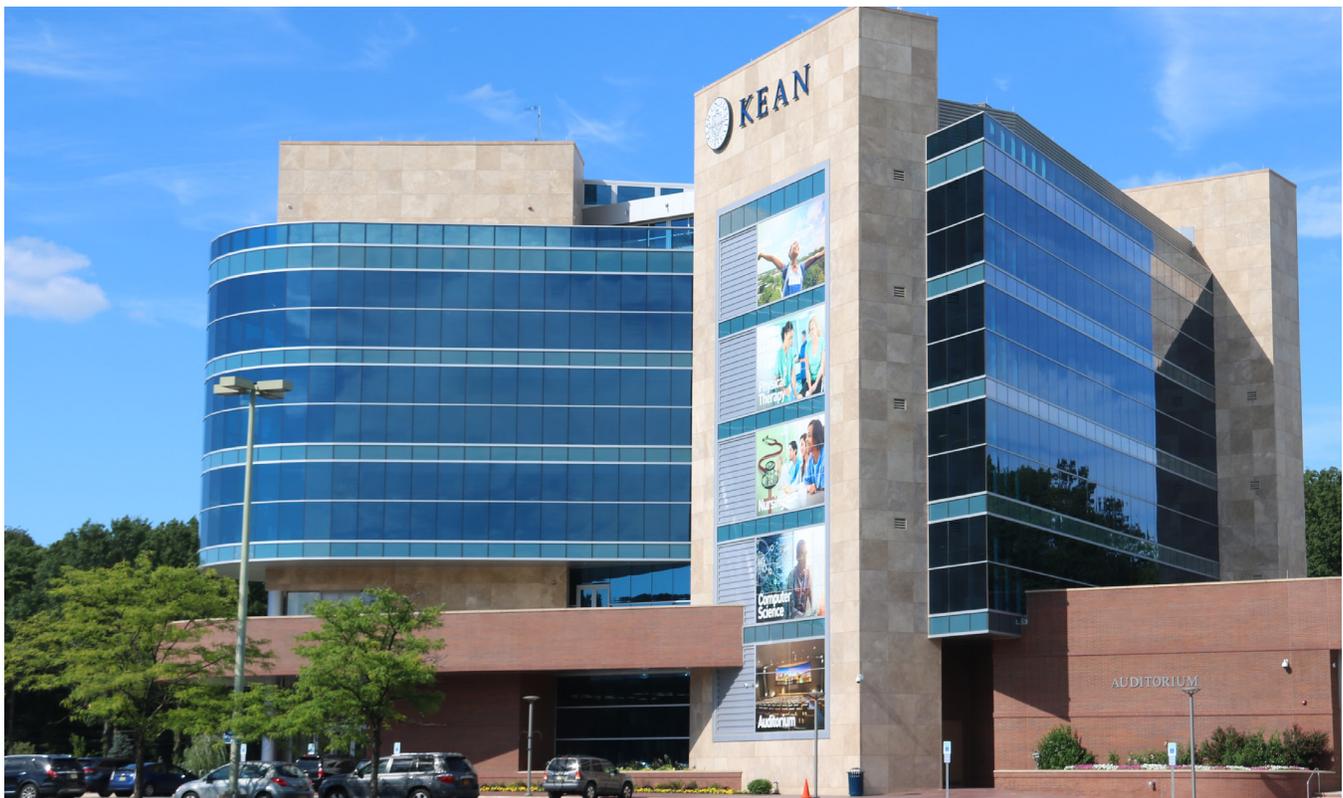
- ▶ Up to \$7,500 fine
- ▶ Between 5 and 10-year prison term

V. The Dangers of Mixing Alcohol and Drugs

Because alcohol and many other drugs affect the same areas of the brain, taking them simultaneously or even fairly close together can produce a combined effect much greater than anticipated. Of the 100 most frequently prescribed drugs, more than half contain at least one ingredient known to react adversely with alcohol. If you want to drink when you are taking medication, three actions may save your life:

1. Read the warning on nonprescription drug labels or those on your prescription containers.
2. Ask your doctor about possible alcohol-drug interactions.
3. Check with your pharmacist if you have any questions about your medicines, especially those you can buy

without a doctor's prescription.



Commonly Used/Abused Drugs and Their Risks

Classification	Drug	Common or Brand Name	Dependence Potential	
			Physical	Psychological
*Alcohol	Ethanol	Beer Wine Distilled Liquor	High High High	High High High
Narcotics	*Opium Morphine Codeine *Heroin Meperidine Oxycotin Other	**Paregoric *Morphine **Tylenol with Codeine, Robitussin Heroin **Demerol, Pethadol Oxy **Fentanyl, Dilaudid, Lentine, Percodan	High High High High High High High	High High High High High High High
CNS Depressants	Chloral Hydrate Barbiturates Glutethimide Methaqualone Tranquillizers Other	*Noctec, Somnos **Nembutal, Phenobarbitol, Seconal, Tuinol **Doriden **Optimil, Parest, Quaalude, Sopor **Equanil, Valium, Tranxene, Serax, Xanan **Dalmane, Dormate, Placidyl, Valmid	Moderate High High High High High	Moderate High High High High High
Stimulants	*Cocaine *Amphetamine Phenmetrazine Methylphenidate Other	Cocaine Hydrochloride **Benzedrine, Biphetamine, Desoxyn, Dexedrine **Preludin **Ritalin **Cylert, Didrex, Pre-Sate, Sanorex, Voranil Methamphetamine	Possible Possible Possible Possible Possible Possible	High High High High High High
Hallucinogenics	*LSD *Mescaline *Psilocybin *MDA/MDMA *PCP	Acid, Lysergic Acid Peyote, Peyote Buttons, Mescalito Magic Mushrooms, 'Shrooms Angel Dust, Crystal, Cernylan (Veterinary)	Low Low Low Unknown Unknown	Unknown Unknown Unknown Unknown Unknown
Inhalants	Airplane Glue Lighter Fluid Aerosols Spray Paints Paint Thinner Gasoline "Poppers"	Active Ingredient: Toluene Active Ingredient: Napthalene Active Ingredient: Chlorofluorocarbon Active Ingredient: Petroleum Distillates Active Ingredient: Petroleum Distillates Active Ingredient: Petroleum Distillates Active Ingredient: Amyl/Butyl Nitrite	Unknown Unknown Unknown Unknown Unknown Unknown Unknown	Unknown Unknown Unknown Unknown Unknown Unknown Unknown
Cannabis	*Marijuana *Hashish *Hash Oil	Indo, Hydro, Grass, Pot, Weed, Dope, Bud Hash	Low Low Low	Moderate Moderate Moderate
Tobacco	Nicotine	Cigarettes Cigars	Moderate Moderate	High High

*Alcohol and other drug use during pregnancy increases the risk of physical harm to the fetus.

**Psychoactive drug effects refer to use at a greater-than-prescribed, therapeutic-dosage level.

Classification	Acute Effects	Health Risks and Effects of Long-Term Use***	Overdose Effects
*Alcohol	Lowered Inhibitions Impaired Judgment, Vision Loss of Motor Skills, Coordination Slurred Speech	Hypertension, Liver Damage Cardiovascular Disease Toxic Psychosis Neurologic Damage Ulcers, Gastritis, Delirium Tremors	Coma Possible Death
Narcotics	Euphoria, Drowsiness Respiratory Depression Constricted Pupils Nausea, Vomiting Analgesia (Pain Relief)	Loss of Appetite Constipation Risk of AIDS, Hepatitis from IV Drug Use, Other Viruses, Infections to Heart Lining Valves, Liver Disease, Pulmonary Complications	Shallow Respiration Clammy Skin Convulsions, Coma Possible Death May be toxic if mixed with alcohol
Depressants	Slurred Speech Disorientation Drunken Behavior Without the Odor of Alcohol Relaxation, Depression	Addiction with Withdrawal Toxic Psychosis	Shallow Respiration Cold, Clammy Skin Weak, Rapid Pulse Coma Possible Death May be toxic if mixed with alcohol
Stimulants	Feeling of Well-Being Excitation, Euphoria Increased Alertness Increased Blood Pressure, Pulse Insomnia, Appetite Loss	Delusions Hallucinations (Toxic Psychosis) Possible Organ / Tissue Damage	Agitation Temperature Increase Hallucinations Convulsions Heart Attack, Stroke Respiratory Arrest
Hallucinogenics	Rapid Heart Rate Dilated Pupils, Lowered Body Temperature, Increased Blood Sugar Delusions / Hallucinations Distorted Perception of Time, Space and Reality	Paranoia, Hallucinogens, especially LSD, may intensify existing psychosis Possible Violent Behavior Flashbacks, Anxiety & Depression	Convulsions, Coma Intense "Bad Trips" Psychosis Possible Sudden Death
Inhalants	Slurred Speech Drunken Behavior Impaired Judgment Poor Coordination	Hallucinations Possible Damage to Bone Marrow, Lungs, Kidneys, Liver, heart, Brain, Eyes	Unconsciousness Coma Possible Toxic Reaction Possible Sudden Death
Cannabis	Tachycardia: Reddened Eyes Euphoria: Profound Humor Altered Time / Space Perception Short-Term Memory Loss Increased Appetite	Altered Senses, Change in mood, Difficulty with thinking and problem solving, Impaired memory, High doses may lead to hallucinations and delusions	High levels of anxiety, Panic attack, Rapid heart rate, Nausea and vomiting, Extreme confusion and memory problems
Tobacco	Relaxation Stimulation	Cardiovascular Disease, Lung Cancer Respiratory Illness	Possible death at very high dosage level

*** Additional risk of harm from toxic impurities in "street" drugs.

Students Convicted of Possession or Sale of Drugs

HEA Section 484(R) 34 CFR 668.40

A federal or state drug conviction can disqualify a student for Federal Student Aid (FSA) funds. The student self-certifies in applying for aid that he is eligible (FAFSA question 23c).

Convictions count against a student for aid eligibility purposes if:

- ▶ They were for an offense that occurred during a period of enrollment for which the student was receiving federal student aid;
- ▶ or unless the student was denied federal benefits for drug trafficking by a federal or state judge.

Conversely, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when he was a juvenile, unless he was tried as an adult.

The chart below illustrates the period of ineligibility for FSA funds, depending on whether the conviction was for sale or possession and whether the student had previous offenses. (A conviction for sale of drugs includes convictions for conspiring to sell drugs.)

	Possession	Sale
1st Offense	1 year from date of conviction	2 years from date of conviction
2nd Offense	2 years from date of conviction	Indefinite period
3+ Offenses	Indefinite	

If the student was convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.

The school will provide each student who becomes ineligible for FSA funds due to a drug conviction a written notice of his loss of eligibility and the methods whereby he can become eligible again.

Regaining Eligibility

A student regains eligibility the day after the period of ineligibility ends or when he successfully completes a qualified drug rehabilitation program that includes passing two unannounced drug tests given by such a program. Further drug convictions will make him ineligible again.

Students denied eligibility for an indefinite period can regain it, either after successfully completing a rehabilitation program (as described below, which includes passing two unannounced drug tests from such a program), or if a conviction is reversed, set aside, or removed from the student's record so that fewer than two convictions for sale

or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility. It is the student's responsibility to certify that he has successfully completed the rehabilitation program.

When a student regains eligibility during the award year, he may be awarded Pell Grant, TEACH, and Campus-Based aid for the current payment period and Direct Loans for the period of enrollment.

Standards for a qualified drug rehabilitation program:

- ▶ A qualified drug rehabilitation program must include at least two unannounced drug tests and satisfy at least one of the following requirements:
- ▶ Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- ▶ Be qualified to receive payment directly or indirectly from a federally or state licensed insurance company.
- ▶ Be administered or recognized by a federal, state, or local government agency or court.
- ▶ Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.

A student, who will need to enter such a program, must first be sure that the program meets these requirements.

Source – FSA HB APR 2013 Sexual Harassment Policy Statement





Alcohol and Drug Use Prevention and Intervention Programs

Kean University recognizes that an essential feature to student wellness is having a comprehensive alcohol and drug model adopted (AOD). The essential elements of this include an environmental management approach which recognizes that student behavior is impacted at multiple levels. This can include, but is not limited to, personal, peer, institutional, and policy elements.

The Coordinator of Alcohol and Other Drug Services is responsible for the development and implementation of AOD psycho-educational sanctioned group sessions/counseling within the Office of Counseling, Disability, Alcohol and Other Drug Services, screenings, individual counseling sessions, and referral service. This position is housed in the Office of Counseling, Disability, Alcohol and Other Drug Services and falls under the Division of Student Affairs. Additionally, the Coordinator of Alcohol and Other Drug Services is the Chair of Alcohol, Tobacco and Other Drugs Task Force (AToD) and the Director of Student Health Services oversees the Peer Educator Program who provides educational campus-wide alcohol and drug programming.

Substance Prevention

Kean University remains committed to educating its community about the potential consequences of substance use. To that end, the University raises awareness relating to the personal impact of substance use as well as University policies and federal and state law.

Student Education and Training

Get Inclusive: Get Inclusive is an online psycho-educational course that educates students on how to make healthier choices with respect to alcohol and other drugs. This course is assigned to all first year and transfer students as part of the general education Transition to Kean (GE*1000) class requirements.

Wellness Workshops: The Office of Community Standards and Student Conduct, along with Alcohol and Drug Services, presented wellness workshops to incoming freshman and transfer students as part of their general education Transition to Kean (GE*1000) requirements. These workshops highlighted important health and safety information, as well as the University's alcohol and drug policies. These workshops also provided a forum for students to ask questions they may have regarding substance use and its consequences.

Personalized Student Assessments: This assessment is by way of an on-line program entitled e-chug/e- toke and is free, anonymous and individualized to the participating student. Personal assessment is available to students at all Kean University locations.

Peer Educator Workshops: Peer educators from the Office of Student Health Services created and presented programming events available campus-wide. Many of these programs focused on the impact of substance use.

Examples include:

- ▶ ABC's of Alcohol
- ▶ The Party
- ▶ Ladies Night
- ▶ Marijuana 101

Faculty and Professional Staff Education and Training

The Coordinator of Alcohol and Other Drug Services along with the Alcohol and Other Drugs Task Force (AToD) provides annual education and training to professional and support staff in an effort to inform the campus community of the University's alcohol and drug policies as well as available resources. These trainings include:

- ▶ Training to Peer Educators (BACCHUS- September 2020)
- ▶ Greek Summit (September 2020)
- ▶ Tools for Assisting Students with Alcohol and Other

Campus-Wide Programmatic Events

As part of Kean University's commitment to supporting the health and well-being of its community members, the Alcohol, Tobacco and Other Drugs Task Force (AToD) analyses behavioral trends to identify emerging concerns relating to alcohol and drug use. AToD focuses on proactive, campus-wide policy and intervention efforts.

Areas of focus include:

- ▶ Faculty and professional staff education and training.
- ▶ Developing new policy; reviewing, enhancing and revising existing policy; and maintaining consistency in enforcement of policy.
- ▶ Implementing and coordinating educational programs (Peer Educators).
- ▶ Increase the awareness of campus resources through targeted marketing and programmatic events.

In response to the COVID 19 pandemic and Kean University's shift to remote learning, all services

relating to alcohol and drug screening, individual counseling, and psychoeducational programming were provided remotely by the Coordinator of Alcohol and Other Drug Services.

Substance Intervention

Alcohol and Other Drug Services works with students to address on-going concerns relating to substance use through targeted intervention strategies. The goal of intervention is to promote the academic success and personal well-being of each individual student. These intervention strategies include:

Individual screenings: Individualized screening consists of a comprehensive consultation and personalized treatment recommendation plan provided to students free of charge.

Early Intervention Psycho Educational Programs: Kean University offers a variety of programs to help students examine their alcohol and other drug use, its effects, and consequences in their personal lives. These programs include:

- ▶ **Choices I:** Choices I: Choices I is a specialized program for students who are found in violation of Residence Student Services or University alcohol policy. The program involves an individual substance screening and participation in two (2) psycho-educational groups.
- ▶ **Choices II:** Choices II: Choices II is a specialized program for students who are found to be in violation of Residence Student Services or University alcohol policy for a second time. The requirements are an individual substance screening and participation in three (3) psycho-educational groups.
- ▶ **Alternatives:** Alternatives is a specialized program for students who are found in violation of the Residence Student Services or University other drug policy. The requirements of the program are an individual substance screening and participation in a five (5) week psycho-educational groups.



Section 2: Gender Based Harassment and Sexual Misconduct

Contact Person:

Title IX Coordinator
Affirmative Action Programs
Kean University
Townsend Hall, Room 133
1000 Morris Avenue
Union, NJ 07083
(908) 737-3330

Contact Person:

Dr. Shuli Xu
Deputy Title IX Coordinator
Vice Chancellor
Wenzhou-Kean University
Room A 217
88 Daxue Rd., Ouhai, Wenzhou
Zhejiang Province
P.R. China 325060
(+86) 577-5587-0132

Overview

Kean University cares deeply about the safety, well-being and dignity of its community members. To that effect, sexual harassment, including sexual assault, sexual violence, sexual exploitation, intimate partner violence, and/or stalking will not be tolerated at Kean University. Further, Kean University remains committed to ending sexual assault in its community. This commitment is embodied in institutional policies that prohibit sexual misconduct as well as our adherence to federal and state laws such as Title IX, Title VII of the Civil Rights Act of 1964 (as amended in 1991), the Clery Act, the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.), the Violence Against Women Act (VAWA) and the State of New Jersey's Campus Sexual Assault Victim's Bill of Rights. All members of the Kean community, guests and visitors are protected by Kean University's policies and federal and state legislation regardless of sexual orientation or gender identity.

Kean University recognizes its responsibility to raise awareness about sexual misconduct and discrimination, including sexual harassment, sexual violence, sexual exploitation, intimate partner violence and/or stalking. For that reason, the University provides annual training, education, and programmatic events that strengthen its resolve to end sexual misconduct and foster respect for each and every member of the Kean community. The University has zero tolerance for gender based and sexual misconduct and will follow its institutional policies and



procedures to address any incidents involving its community members. Should a community member experience sexual misconduct, resources are available to help, support, and empower that individual. In its effort to end sexual misconduct on campus, Kean University has adopted and adheres to the

State of New Jersey's Campus Sexual Assault Victim's Bill of Rights. The Campus Sexual Assault Victim's Bill of Rights is set forth below.

New Jersey's Campus Sexual Assault Victim's Bill of Rights

A college or university in a free society must be devoted to the pursuit of truth and knowledge through reason and open communication among its members. Academic communities acknowledge the necessity of being intellectually stimulating where the diversity of ideas is valued. Its rules must be conceived for the purpose of furthering and protecting the rights of all members of the University community in achieving these ends. The boundaries of personal freedom are limited by applicable state and federal laws and institutional rules and regulations governing interpersonal behavior. In creating a community free from violence, sexual assault and non-consensual sexual contact, respect for the individual and human dignity are paramount. The state of New Jersey recognizes that the impact of violence on its victims and the surrounding community can be severe and long-lasting. Thus, it has established this Bill of Rights to articulate requirements for policies, procedures and services designed to ensure that the needs of victims are met and that the colleges and universities in New Jersey create and maintain communities that support human dignity.

Bill of Rights

The following rights will be accorded to victims of sexual assault that occur:

- ▶ On the campus of any public or independent institution of higher education in the state of New Jersey, and
- ▶ Where the victim or alleged perpetrator is a student at that institution, and/or
- ▶ When the victim is a student involved in an off-campus sexual assault.

Human Dignity Rights

1. To be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy.
2. To have any allegations of sexual assault treated seriously, the right to be treated with dignity.
3. To be free from any suggestion that victims are responsible for the commission of crimes against them.
4. To be free of any pressure from campus personnel to:
 - ▶ Report crimes if the victim does not wish to do so;



- ▶ Report crimes as lesser offenses than the victim perceives the crime to be;
 - ▶ Refrain from reporting crimes;
 - ▶ Refrain from reporting crimes to avoid unwanted personal publicity.
 - ▶ Rights to resources on and off campus
5. To be notified of existing campus and community-based medical, counseling, mental health, and student services for victims of sexual assault whether or not the crime is formally reported to campus or civil authorities.
 6. To have access to campus counseling under the same terms and conditions as apply to other students in their institution seeking such counseling.
 - ▶ To be informed of and assisted in exercising any rights to confidential or anonymous testing for sexually transmitted diseases, human immunodeficiency virus and/or pregnancy.
 - ▶ Any rights that may be provided by law to compel and disclose the results of testing of sexual assault suspects for communicable diseases.

Campus Judicial Rights

- ▶ To be afforded the same access to legal assistance as the responding party.
- ▶ To be afforded the same opportunity to have others present during any campus conduct proceeding as is allowed the responding party.
- ▶ To be notified of the outcome of the sexual assault conduct proceeding against the responding party.

Legal Rights

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

Campus Intervention Rights

1. To require campus personnel to take reasonable and necessary actions to prevent further unwanted contact of victims by their alleged assailants.
2. To be notified of the options for and provided assistance in changing academic and living situations if such changes are reasonably available.
3. Statutory Mandates:
 - ▶ Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services required and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation.
 - ▶ Each campus will make a reasonable effort to ensure that every student at that institution receives a copy of this document.
 - ▶ Nothing in this act, or in any Campus Assault Victim's Bill of Rights developed in accordance with the provisions of this act, will be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.

Statutory Mandates

Each campus must guarantee that this Bill of Rights is implemented. It is the obligation of the individual campus governing board to examine resources dedicated to services and to make appropriate requests to increase or reallocate resources where necessary to ensure implementation.

Each campus will make a reasonable effort to ensure that every student receives a copy of this document.

Nothing in this act, or in any Campus Assault Victim's Bill of Rights developed in accordance with the provisions of this act, will be construed to preclude or in any way restrict any public or independent institution of higher education in the state from reporting any suspected crime or offense to the appropriate law enforcement authorities.

Sexual Misconduct Support and Resources

Kean University remains dedicated to ensuring the safety and well-being of its community. As a result, the University works to ensure that its community members receive support and resources relating to sexual misconduct and the resolution of allegations of sexual misconduct. The information in this section provides information about University, local, state and federal resources and support relating to sexual misconduct.

If you are in an emergency situation or are in danger, call 9-1-1 for immediate help.

The following information can help you take the first steps in the healing process:



Immediately After Experiencing Sexual Misconduct

1. Go to a safe location as soon as you are able to.
2. Seek immediate medical attention if you are injured or believe you may have been exposed to the risk of an STI/STD or pregnancy.

Self-Care In the Aftermath of Sexual Misconduct

Each person reacts to sexual misconduct differently. There is no one right way to respond. Self-care is important for everyone, and looks different for everyone. The following self-care tips can help you cope with any short- and long-term effects of sexual misconduct.

Ensure that you are safe. If you are concerned that you are in immediate danger, call 911. At the Wenzhou- Kean campus, call 110. If you are at the Union campus, you may also contact Kean University Department of Public Safety and Police at (908) 737- 4800 for assistance. At Kean Ocean, you may contact the Ocean County College Campus Security and Public Safety Department at (732) 255-0400, Press 6. At the Wenzhou- Kean campus, contact Wenzhou-Kean Security at 0577-55870110.

Access Support and Connections in Ways That Feel Right to You. You have the right to decide whether and how to access support that will be helpful to you. Be patient with yourself if you feel overwhelmed and need to take a step back. There are people at Kean University who care and are ready to help when you are ready. Consider speaking with Kean University's Student Support Services Advocate

in a confidential, non- judgmental environment. Contact the Student Support Services Advocate through Health Services at (908) 737- 4880 or email hsnurses@kean.edu. Don't be afraid to ask for help.

Address Time Sensitive Concerns. If there are time-sensitive medical concerns related to your experience, Health Services can provide sensitive, respectful medical care by clinicians. They can also connect you with providers in the community for other services. If there are time-sensitive mental health concerns related to your experience, reach out to Health Services at the Union campus at (908) 737- 4880. At Kean Ocean, contact Community Medical Center at 732-557- 8000. If you are at the Wenzhou- Kean campus, contact Wenzhou- Kean Health Services at 0577-055870120.

REMEMBER: It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You should avoid washing, bathing, urinating, etc. until after being examined at Kean University Health Services or the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you should seek a medical exam as soon as possible. Evidence collection should be done within 120 hours of an assault, but fluids, hair samples and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual assault nurse examiners are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Police typically take custody of any evidence collected at the hospital. You can choose whether or not to speak with police and/or file a criminal complaint.

Additional information about Forensic Evidence Collection Examinations can be obtained by asking a Health Services Clinician or accessing www.surviverape.org

Treat Your Body Kindly. It is normal to experience disruption to your daily self-care practices after experiencing gender based or sexual misconduct. If you are unable to eat, sleep, or be physically active in the way that your body needs to feel healthy and well, consider speaking with a trained Health Services clinician at the Union campus at (908) 737- 4880. At Kean Ocean, contact Community Medical Center 732-557- 8000. If you are at the Wenzhou-Kean campus, contact Wenzhou- Kean Health Services at 0577-055870120.

Be Kind to Yourself. If you have experienced sexual

misconduct, you may struggle with guilt or shame, or blame yourself for the event. Think of how you would respond to someone else feeling that way, and treat yourself as kindly as you would treat anyone else. Remind yourself that only the perpetrator of sexual misconduct is responsible for his or her actions. Even if you made choices that placed you in a vulnerable position, that in no way makes it acceptable for someone to take advantage of that vulnerability.

Allow Yourself to Do Things You Enjoy. If you feel comfortable engaging in activities or hobbies that bring you enjoyment or satisfaction, do it. Give yourself permission to have fun and hang out with friends when you are ready.

Seek Out Supporters Who Empower You. Friends, family, partners, and other trusted persons may struggle with their own response to your experience. Surround yourself with support persons who support you as you pursue recovery, respect your choices, and make you feel safe. Your supporters may include a counselor, a support group, or an online community of survivors. If you feel as that there is no one who will support you, you are not alone. Contact the Student Support Services Advocate through Health Services at (908) 737- 4880 or email hsnurses@kean.edu. The Student Support Services Advocate will help you to find sources of support at Kean University and beyond. Your conversation will remain confidential unless you choose otherwise.

The information regarding self-care after trauma was adapted from [https://www.rainn.org/files/uploadedFiles/One_pager%20\(Self-care\).pdf](https://www.rainn.org/files/uploadedFiles/One_pager%20(Self-care).pdf).

Resources Available To Students Who May Have Experienced Sexual Misconduct

The following campus specific resources available for assistance:

- ▶ **For Immediate Assistance:**
 - ▶ **9-1-1 - All Campus Locations**
 - ▶ **Union Campus:** Kean University Department of Public Safety and Police (908) 737-4800
 - ▶ **Kean Ocean:** Ocean County College Security and Public Safety Department (732) 255-0400, Press 6
 - ▶ **Wenzhou-Kean Campus:** Wenzhou-Kean Security 0577-5580110 or 0577-55870033
- ▶ **For Medical Consultation (Confidential Resource):**
 - ▶ **Union Campus:** Health Services (908) 737-4880 Monday–Friday, 9 a.m.–5 p.m.
 - ▶ **Kean Ocean:** Community Medical Center (732) 557-8000
 - ▶ **Wenzhou-Kean Campus:** Wenzhou-Kean Health Services 0577-55870120
- ▶ **For Mental Health and Wellness Support (Confidential Resource):**
 - ▶ **Union Campus:** Office of Counseling, Disability, Alcohol and Other Drug Services Due to COVID 19 Kean Counseling has a new number



(908) 316- 8217 and extended hours
Monday– Thursday- Friday, 9 a.m.–5 p.m.; Tuesday-
Wednesday 9 a.m.- 7 p.m.; Saturday- Sunday 10
a.m.- 2.p.m.

- ▶ **Kean Ocean:** Due to COVID 19 Counseling Services Kean Ocean/ Ocean County College has a new number (732) 255- 0386
- ▶ **Wenzhou-Kean Campus:** Suntime Counseling 0577- 0558701026
- ▶ **For County Resources and Support Available to Reporting Parties (Confidential Resource):**
 - ▶ **Union County Rape Crisis Center** (908) 233-7273
 - ▶ **Union County Sexual Assault Response Team (SART)*** (908) 233-7273

Union County has a sexual assault response team, also known as SART, which has staff specially trained in helping victims of a sexual assault. Victims can choose which services that they would like to use in the event of a sexual assault SART can be contacted at 908-233-7273. You may speak with a SART representative confidentially. Rape Care advocates are another essential component to the SART. Rape care advocates are trained to help you with the emotional aspects of an assault and to help guide you through the initial aftermath of an assault. Health Services works closely with the Union County Sexual Assault Response Team. Health Services can contact SART upon your request. Health Services can also connect you with the Office of Counseling, Disability, Alcohol and Other Drug Services for counseling and support during this difficult time. Kean counseling services are free of charge to all Kean University students and can be reached at 908-317 8217. You have the choice of how to proceed. Options include: 1) Do nothing until you are ready 2) Pursue resolution by the University, and/or 3) Initiate criminal proceedings, and/or 4) Initiate a civil process against the perpetrator. You may pursue

whatever combination of options is best for you. If you wish to have an incident investigated and resolved by Kean University, students should contact the Office of Community Standards and Student Conduct or the Title IX Coordinator. Employees should contact Human Resources. Kean University procedures will be explained. Those who wish incidents to be handled criminally should contact Kean University Police or the local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Vice President for

Student Affairs for more information at 908-737-5260.

- ▶ **For National Resources and Support Available to Reporting Parties (CONFIDENTIAL RESOURCE):**
 - ▶ **24-hour Domestic Violence Hotline* (908) 355-4357**
In addition to the above resources, if reasonably available, a reporting party may be offered visa and immigration assistance as well as assistance in notifying appropriate law enforcement agencies.

Sexual Misconduct Prevention Tips

Risk Reduction For Intimate Partner Violence, Stalking, Sexual Harassment And Sexual Misconduct

While blaming the reporting party is never appropriate and Kean University recognizes that only those who commit sexual misconduct are responsible for their actions, Kean University provides the suggestions that follow to help members of the campus community reduce their risk of being victimized and their risk of committing acts of sexual misconduct.

Reducing the Risk

- ▶ Make any limits and/or boundaries known as early as possible.
- ▶ Tell a sexual aggressor “no,” as clearly and firmly as possible.
- ▶ Remove yourself, if possible, from an aggressor’s physical presence.
- ▶ Reach out for help, either from someone who is physically nearby or by calling someone. Bystanders may be waiting for a signal for help.
- ▶ Take affirmative responsibility for alcohol and/or drug consumption, understanding that alcohol and drugs can increase your vulnerability to sexual victimization.
- ▶ Look out for friends, and ask them to look out for you. Respect them, and ask them to respect you, but be willing to challenge each other about high- risk choices.

Maintaining Respect for Others

If you find yourself in the position of being the initiator of sexual behavior, give sexual respect to your potential partner. These suggestions may help to reduce the risk for being accused of sexual misconduct:

- ▶ Clearly communicate intentions to your sexual partner and give him/her a chance to clearly relate intentions to you. Understand and respect personal boundaries.
- ▶ **DON’T MAKE ASSUMPTIONS** about consent, about

someone’s sexual availability, about whether they are attracted to you, about how far you can go, or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.

- ▶ Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- ▶ Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- ▶ Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.
- ▶ Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully; pay attention to verbal and non-verbal communication and body language.



Resources Available To Support Reporting and Responding Parties

- ▶ **For University Assistance Relating to Institutional Remedies and Protections:**
 - ▶ **Union Campus:** Title IX Coordinator (908) 737-3330 Monday–Friday, 9 a.m.–5 p.m.
 - ▶ **Kean Ocean:** Title IX Coordinator (908) 737-3330 Monday- Friday, 9 a.m.- 5 p.m.
 - ▶ **Wenzhou-Kean Campus:** Executive Vice Chancellor 133-3695-3016 Monday- Friday 9 a.m.- 5 p.m.
- ▶ **For Policy Guidance and Resource Navigation:**
 - ▶ **Union Campus:** Vice President for Student Affairs (908) 737-5260 Monday–Friday, 9 a.m.–5 p.m.
 - ▶ **Kean Ocean:** Vice President for Academic Affairs (732) 255-0356 Monday- Friday, 9 a.m.- 5 p.m.
 - ▶ **Wenzhou-Kean Campus:** Executive Vice Chancellor (86) 577-5587-0801 Monday- Friday 9 a.m.- 5 p.m.
- ▶ **For Mental Health and Wellness Support:**
 - ▶ **Union Campus:** Due to COVID 19 Kean Counseling has a new number (908) 316- 8217 and extended hours of Monday– Thursday- Friday, 9 a.m.–5 p.m.; Tuesday-Wednesday 9 a.m.- 7 p.m.; Saturday- Sunday 10 a.m.- 2.p.m.
 - ▶ **Kean Ocean:** Counseling Services* Kean Ocean/ Ocean County College (732) 255- 0386
 - ▶ **Wenzhou-Kean Campus:** Suntree Counseling* 0577- 0558701026
- ▶ **For Support in the Residence Halls:**
 - ▶ **Union Campus:** Office of Residential Student Services

(908) 737-6800 Monday–Friday, 9 a.m.–5 p.m.

- ▶ **Wenzhou-Kean Campus:** Wenzhou-Kean Residential Life 0577- 55870132

- ▶ **For Student Conduct Concerns:**
 - ▶ **Union Campus:** Office of Community Standards and Student Conduct (908) 737-5240 Monday–Friday, 9 a.m.–5 p.m.
 - ▶ **Kean Ocean:** Office of Community Standards and Student Conduct (908) 737-5240 Monday- Friday, 9 a.m.- 5 p.m.
 - ▶ **Wenzhou-Kean Campus:** Wenzhou-Kean Office of Community Standards and Student Conduct 0577- 55870133, Monday- Friday, 9 a.m.- 5 p.m.
- ▶ **For Employment Concerns:**
 - ▶ **Office of Affirmative Action:** (908) 737-3330
 - ▶ **Human Resources:** (908) 737-3300 Monday–Friday, 9 a.m.–5 p.m.

**Denotes that this resource is confidential*

Confidential Resources

Kean University has dedicated professional staff who a student can talk to about sexual and/or gender based harassment and sexual misconduct who may be exempt from reporting personally identifiable information to campus or law enforcement authorities. The following professional staff members can speak with you confidentially and help you to make informed choices:

- ▶ **Student Health Services:**
Downs Hall, Room 126
(908) 737-4880
Hours of Operation: Monday- Friday 9 a.m.–5 p.m.



- ▶ **At Kean Ocean, Community Medical Center:**
99 NJ-37 Toms River, New Jersey
(732) 557- 8000
Available 24 hours/ 7 days a week
- ▶ **Wenzhou-Kean Health Services:**
General Education Building, Room A109
0577-055870120
- ▶ **Office of Counseling, Accessibility, Alcohol and Other Drug Services:**
Due to COVID 19 Kean Counseling has a new number (908) 316- 8217 and extended hours Monday–Thursday- Friday, 9 a.m.–5 p.m.; Tuesday-Wednesday 9 a.m.- 7 p.m.; Saturday- Sunday 10 a.m.- 2.p.m.
- ▶ **Counseling Services - Kean Ocean/Ocean County College:** (732) 255- 0386
- ▶ **Wenzhou-Kean: Suntree Counseling**
General Education Building 407
0577-55870126
- ▶ **Student Support Advocate:**
Contact (908) 737-4880
Email hsnurses@kean.edu
- ▶ **Catholic Campus Ministry:**
Downs Hall, Room 130
(908) 737-4835
catholic@kean.edu



personally identifiable information relating to incidents of sexual harassment and/or sexual assault to University administrators or to law enforcement, and will only facilitate the reporting of such information with the student’s consent. The Student Support Advocate will provide policy guidance and facilitate services and resources, including counseling and academic and housing accommodations. The Advocate will explain administrative policies and procedures as well as the role of law enforcement. Students who wish to speak to an Advocate should contact Student Health Services at 908-737-4880 or email hsnurses@kean.edu.

If you are unsure of what to do or who to talk to, please contact the Student Support Advocate for assistance. A Student Support Advocate will offer guidance, assistance and support to both a student who may have experienced sexual misconduct or a student who is allegedly involved in perpetrating an incident of sexual misconduct or gender-based discrimination.

What Is A Student Support Advocate? Can A Student Support Advocate Help Me?

The Office of the Vice President for Student Affairs has staff who provide free, confidential advocacy services to students who may have experienced or allegedly been involved in an incident of sexual harassment or violence. Kean University’s Student Support Advocate is exempt from the duty to report

Federal Timely Warning Reporting Obligations

Reporting parties of sexual misconduct should also be aware mandated reporters and University administrators must issue immediate timely warnings for reported incidents that are confirmed to pose a substantial threat of bodily harm or danger to members of the Kean community. The University will make every effort to ensure that a complainant’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Kean University’s Responsibility To Enact Safety Precautions for Its Community

Kean University reserves the right to take whatever measures it deems necessary in response to an allegation of gender based or sexual misconduct in order to protect students’ rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from the campus pending a hearing,

and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion—depending on the severity of the offense. The University will consider the concerns and rights of both the complainant and the respondent to an incident of sexual harassment and/or sexual misconduct.

Kean University's Sexual Harassment Policy and Procedures

POLICY: Sexual Harassment, Including Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation[1]

1. Glossary

- ▶ *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- ▶ *Complainant* means an individual who is alleged to be the victim of conduct that could sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- ▶ *Complaint (formal)* means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the recipient investigate the allegation.
- ▶ *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment and/or retaliation (irrespective of Clery Act Campus Security Authority status)
- ▶ *Day* means a business day when the Recipient is in normal operation.
- ▶ *Education program or activity* means locations, events, or circumstances where Kean University exercises



- substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.
- ▶ *Final Determination* means a conclusion by a preponderance of the evidence that the alleged conduct did or did not violate policy.
- ▶ *Finding* means a conclusion by a preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”)
- ▶ *Formal Grievance Process* means a method of formal resolution designated by the recipient to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- ▶ *Grievance Process Pool* includes any investigators, hearing decision-makers, appeal decision-makers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- ▶ *Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within the Recipient’s Formal Grievance process.
- ▶ *Investigator* means the person or persons charged by the University with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- ▶ *Mandated Reporter* means an employee of the Recipient who is obligated by policy to share knowledge, notice, and/or reports of harassment and/or retaliation with the Title IX Coordinator.[2]
- ▶ *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- ▶ *Official with Authority (OWA)* means an employee of the University explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation on behalf of the University.
- ▶ *Parties* include the Complainant(s) and Respondent(s), collectively.
- ▶ *Recipient* means a postsecondary education program that is a recipient of federal funding.
- ▶ *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the Recipient’s educational program.
- ▶ *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.
- ▶ *Resolution* means the result of an informal or Formal



Grievance Process.

- ▶ *Sanction* means a consequence imposed by the Recipient on a Respondent who is found to have violated this policy.
- ▶ *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. See Section 16, for greater detail.
- ▶ *Support Person* means a person chosen by a party to accompany the party to meetings related to the resolution process, to provide moral and emotional support to a party. Support Persons are permitted at the discretion of the Title IX Coordinator and do not have a formal role in the resolution process.[TB2]
- ▶ *Title IX Coordinator* is at least one official designated by the University to ensure compliance with Title IX and the Recipient's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- ▶ *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

2. Rationale for Policy

Kean University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity,

The University has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. Kean values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

3. Applicable Scope

The core purpose of this policy is the prohibition of sexual harassment and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution using Kean University's Resolution Process for Alleged Violations of the Policy on Sexual Harassment as determined by the Title IX Coordinator, and as detailed below.

When the Respondent is a member of the Kean community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Recipient community. This community includes, but is not limited to, students,[3] student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers.

The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

4. Title IX Coordinator

The Director of the Office of Affirmative Action Programs serves as the Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under this policy.

5. Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures.

The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the Office of University Counsel at 908-737-3321. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to the Office of University Counsel at 908-737-3321. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to:

Nicole Rodriguez	Catricia Shaw
Director, Office of Community Standards and Student Conduct	Managing Assistant Director, Office of Affirmative Action Programs
Miron Student Center, Room 317 (908) 737-5240 Email: nrodrigu@kean.edu	Townsend Hall, Room 133 1000 Morris Avenue Union, NJ 07083 (908) 737-3330 Email: shawc@kean.edu
Web: https://www.kean.edu/offices/community-standards-and-student-conduct	Web: https://www.kean.edu/offices/affirmative-action

Kean University has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing sexual harassment and/or retaliation.



The section below on Mandated Reporting details the responsibilities and duties of employees, accordingly. Inquiries may be made externally to:

<p>Office for Civil Rights (OCR)</p> <p>U.S. Department of Education</p> <p>400 Maryland Avenue, SW Washington, D.C. 20202-1100 Customer Service Hotline #: (800) 421-3481 Fax: (202) 453-6012 TTY: (877) 521-2172 Email: OCR@ed.gov</p> <p>Web: http://www.ed.gov/ocr</p>	<p>New York Office</p> <p>Office for Civil Rights U.S. Department of Education</p> <p>32 Old Slip, 26th Floor New York, NY 10005-2500 (646) 428-3900 Fax: (646) 428-3843 TTY: (80) 877-8339 Email: OCR.NewYork@ed.gov</p>
--	--

For complaints involving employees:

<p>Division on Civil Rights N.J. Department of Law & Public Safety (Within 180 days of the discriminatory act)</p>			
<p>Central Regional Office</p> <p>140 East Front Street, 6th Floor P.O. Box 090 Trenton NJ 08625-0090 (609) 292-4605</p>	<p>Northern Regional Office</p> <p>31 Clinton Street, 3rd floor P.O. Box 46001 Newark, NJ 07102 (973) 648-2700</p>	<p>South Shore Regional Office</p> <p>1325 Boardwalk, 1st Floor Tennessee Avenue and Boardwalk Atlantic City, NJ 08401 (609) 441-3100</p>	<p>Southern Regional Office</p> <p>5 Executive Campus, Suite 107 Cherry Hill, NJ 08034 (856) 486-4080</p>

<p>Equal Employment Opportunity Commission (EEOC) (Within 300 days of the discriminatory act)</p>	
<p>EEOC Newark Area Office (The Newark Area Office has jurisdiction over the State of New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren).</p> <p>Two Gateway Center 283-299 Market Street Suite 1703 Newark, NJ 07102 (800) 669-4000 (973) 645-4684 Fax: (973) 645-4524 TTY: (800) 669-6820 ASL Video Phone: (844) 234-5122</p> <p>Web: https://www.eeoc.gov/field-office/newark/location</p> <p>Appointment Scheduling: https://publicportal.eeoc.gov/</p>	<p>EEOC Philadelphia District Office (The Philadelphia District Office has jurisdiction over the State of New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem)</p> <p>801 Market Street Suite 100 Philadelphia, PA 19107 (800) 669-4000 (267) 589-9700 Fax: (215) 440-2606 TTY: (800) 669-6820 ASL Video Phone: (844) 234-5122 Email: PDOContact@eeoc.gov</p> <p>Web: https://www.eeoc.gov/field-office/philadelphia/location</p> <p>Appointment Scheduling: https://publicportal.eeoc.gov/</p>

7. Notice/Complaints of Sexual Harassment and/or Retaliation

Notice or complaints of sexual harassment and/or retaliation may be made using any of the following options:

- ▶ File a complaint with, or give verbal notice to, the Title IX Coordinator or Director of Community Standards and Conduct. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed below.

Nicole Rodriguez	
Title IX Coordinator Director, Office of Affirmative Action Programs	Director, Office of Community Standards and Student Conduct
Townsend Hall, Room 133 1000 Morris Avenue Union, NJ 07083 (908) 737-3332	Miron Student Center, Room 313 (908) 737-5240 Email: nrodrigu@kean.edu

- ▶ Report online, using the reporting form posted at https://cm.maxient.com/reportingform.php?KeanUniv&layout_id=0.
- ▶ State employees or applicants for employment may file a complaint by calling the State of New Jersey Hotline at (833) 691-0404.
- ▶ File a complaint with any supervisory employee within Kean University.

Anonymous reports are accepted but can give rise to a need to investigate. The University tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.

A Formal Complaint means a document submitted or signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the University investigate the allegation(s).

A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the University investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly

8. Supportive Measures

Kean University will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the University’s education program or activity, including measures designed to protect the safety of all parties or the University’s educational environment, and/or deter sexual harassment and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the University will inform the Complainant, in writing, that they may file a formal complaint with the University either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the



supportive measures that are planned and implemented.

The University will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide the supportive measures. Kean will act to ensure as minimal an academic/occupational impact on the parties as possible.

The Recipient will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- ▶ Referral to counseling, medical, and/or other healthcare services;
- ▶ Referral to the Employee Assistance Program
- ▶ Referral to community-based service providers;
- ▶ Visa and immigration assistance
- ▶ Student financial aid counseling
- ▶ Education to the institutional community or community subgroup(s)
- ▶ Altering campus housing assignment(s)
- ▶ Altering work arrangements for employees or student-employees
- ▶ Safety planning
- ▶ Providing campus safety escorts
- ▶ Providing transportation accommodations
- ▶ Implementing contact limitations (no contact orders) between the parties
- ▶ Academic support, extensions of deadlines, or other course/program-related adjustments
- ▶ No Trespass Orders
- ▶ Timely warnings

- ▶ Class schedule modifications, withdrawals, or leaves of absence
- ▶ Class schedule modifications, withdrawals, or leaves of absence
- ▶ Increased security and monitoring of certain areas of the campus
- ▶ Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

9. Emergency Removal

The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal

In cases involving students, this risk analysis is initiated by the Title IX Coordinator in conjunction with the Kean University Behavioral Intervention Team (KUBIT) using its standard objective violence risk assessment procedures.

In cases involving employees, the Associate Vice President for Employee Relations will make a determination whether an employee should be placed on paid administrative leave and/or be reassigned. The Associate Vice President for Employee Relations will then refer the recommendation to the Director of Human Relations for appropriate action.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

10. Promptness

All allegations are acted upon promptly by the University once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are

always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control

Any time the general timeframes for resolution outlined in University procedures will be delayed, the University will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy

Every effort is made by the University to preserve the privacy of reports.[5] Kean University will not share the identity of any individual who has made a report or complaint of harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The University reserves the right to determine which Kean officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, which may include, but are not limited to, the Division of Student Affairs, Human Resources, Kean University Police Department, and KUBIT.

Information will be shared as necessary with Investigators, Hearing Panel Members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The University may contact parents/guardians and/or an emergency contact to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically below.

12. Jurisdiction of the University

his policy applies to the education program and activities of the University, to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by Kean's recognized student organizations. The Respondent must be a member of Kean University's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Kean University's educational program. The recipient may also extend jurisdiction to off-campus and/or to

online conduct when the Title IX Coordinator determines that the conduct affects a substantial University interest.

Regardless of where the conduct occurred, the Recipient will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

- ▶ Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- ▶ Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- ▶ Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- ▶ Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report

Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or Student Support Services Advocate (Downs Hall, Room 126 or (908) 737-4880)).

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from University property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to the University where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

13. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

14. Online Sexual Harassment and/or Retaliation

The policies of Kean University are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the University's education program and activities or use University networks, technology, or equipment.

Although Kean University may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the Kean community.

Any online posting or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the Recipient's control (e.g., not on Recipient networks, websites, or between Recipient email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the University only when such speech is made in an employee's official or work-related capacity.

15. Policy on Nondiscrimination

Kean University is committed to establishing and maintaining a diverse campus community. Equal opportunity and diversity represent principles which are integrally woven into the University's mission. Kean University is committed to providing equal opportunity in employment and education, as well as equity of conditions for employment and education, to all employees, students and applicants without regard to race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX of the Education Amendments of 1972 and by this Policy.

Additionally, Kean University prohibits retaliation against any person opposing discrimination or participating in any discrimination investigation or complaint process internal or external to the institution.

Kean University also follows the New Jersey State Policy Prohibiting Discrimination in the Workplace. Additional Information is available at: www.kean.edu/offices/affirmative-action

16. Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of New Jersey regard Sexual Harassment as an unlawful discriminatory practice.

Kean University has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

1. Quid Pro Quo:
 - a) an employee of the recipient,
 - b) conditions[6] the provision of an aid, benefit, or service of the recipient,
 - c) on an individual's participation in unwelcome

sexual conduct

2. Sexual Harassment
 - a) unwelcome conduct,
 - b) determined by a reasonable person,
 - c) to be so severe, and
 - d) pervasive, and,
 - e) objectively offensive,
 - f) that it effectively denies a person equal access to the University's education program or activity.[7]
3. Sexual assault, defined as:
 - a) Sex Offenses, Forcible:
 - o Any sexual act[8] directed against another person[9]
 - o without the consent of the Complainant,
 - o including instances in which the Complainant is incapable of giving consent.
 - b) Sex Offenses, Non-forcible:
 - o Incest:
 - 1) Non-forcible sexual intercourse,
 - 2) between persons who are related to each other,
 - 3) within the degrees wherein marriage is prohibited by New Jersey law.
 - o Statutory Rape:
 - 1) Non-forcible sexual intercourse,
 - 2) with a person who is under the statutory age of consent of 16 years of age.
4. Dating Violence, defined as:
 - a) violence,
 - b) on the basis of sex,
 - c) committed by a person,
 - d) who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - i) The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
 - ii) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - iii) Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as:
 - a) violence,
 - b) on the basis of sex,

- c) committed by a current or former spouse or intimate partner of the Complainant,
- d) by a person with whom the Complainant shares a child in common, or
- e) by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- f) by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of New Jersey, or
- g) by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of New Jersey.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- 6) Stalking, defined as:
- a) engaging in a course of conduct,
 - b) on the basis of sex,
 - c) directed at a specific person, that
 - 1) would cause a reasonable person to fear for the person's safety, or
 - 2) the safety of others; or
 - 3) Suffer substantial emotional distress.

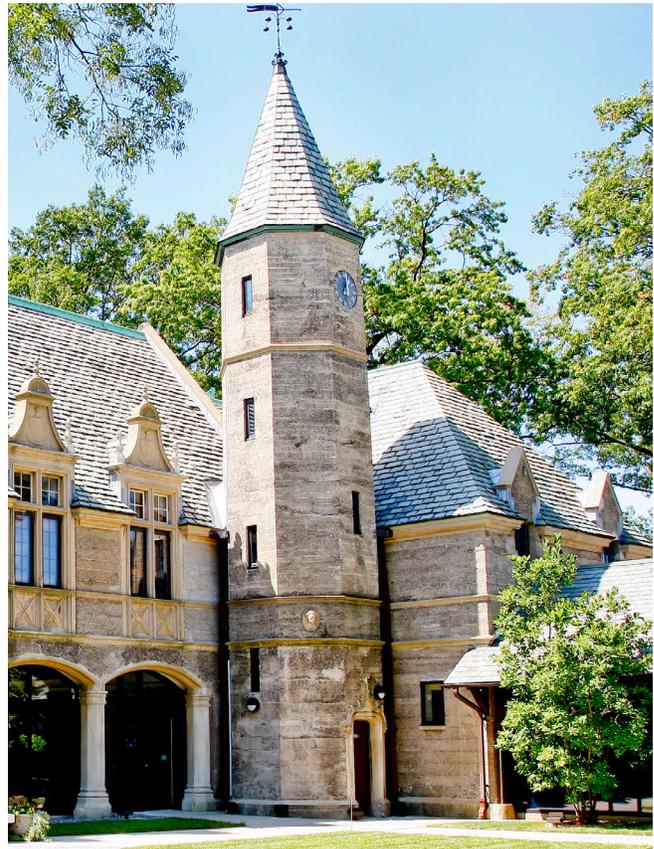
For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Kean University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

Force, Coercion, Consent, and Incapacitation[10]

As used in the offenses above, the following definitions and



understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive

Consent is:

- ▶ knowing, and
 - voluntary, and
 - clear permission
 - by word or action
 - to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM[11] or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the University’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to policy that assumes non-kink relationships as a default.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

17. Expectations Regarding Unethical/Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome.

Even when both parties have initially consented to romantic



or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or otherwise evaluative role over the other party are inherently problematic. Therefore, persons with direct supervisory or otherwise evaluative responsibilities who are involved in such relationships must bring these relationships to the timely attention of their supervisor and/or the Title IX Coordinator. The existence of this type of relationship will likely result in removing the supervisory or evaluative responsibilities from the employee or shifting a party from being supervised or evaluated by someone with whom they have established a consensual relationship. When an affected relationship existed prior to adoption of this policy, the duty to notify the appropriate supervisor still pertains.

This type of relationship includes Resident Advisors (RAs) and students over whom the RA has direct responsibility. While no relationships are prohibited by this policy, failure to timely self-report such relationships to a supervisor as required can result in disciplinary action for an employee. The Title IX Coordinator will determine whether to refer violations of this provision to Human Resources for resolution, or to pursue resolution under this Policy, based on the circumstances of the allegation.

18. Retaliation

Protected activity under this Policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Kean University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Kean University and any member of Kean's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint under the Student Code of Conduct ("Code") or the New Jersey State Policy Prohibiting Discrimination in the Workplace ("State Policy") could be considered retaliatory if those charges could be applicable under the Resolution Procedures for Alleged Violations of the Policy on Sexual Harassment, when the Code or State Policy charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within the Resolution Procedures for Alleged Violations of the Policy on Sexual Harassment that is not provided by the Code or State Policy. Therefore, the University vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate process.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a Code or State Policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

19. Mandated Reporting

All Kean University employees (faculty, staff, administrators) are expected to report actual or suspected sexual harassment or retaliation to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Kean University for a Complainant or third-party (including parents/guardians when appropriate):

a. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- ▶ On-campus licensed professional counselors and staff
- ▶ On-campus health service providers and staff

- ▶ On-campus Student Support Services Advocates
- ▶ On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- ▶ Athletic trainers (if licensed and privileged under state statute, and/or working under the supervision of a health professional)
- ▶ Off-campus (non-employees):
 - ▶ Licensed professional counselors and other medical providers
 - ▶ Local rape crisis counselors
 - ▶ Domestic violence resources
 - ▶ Local or state assistance agencies
 - ▶ Clergy/Chaplains
 - ▶ Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Employees who are confidential and who receive reports within the scope of their confidential roles will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client, patient, or parishioner.



b. Mandated Reporters and Formal Notice/Complaint

All Kean University employees (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the University.

Supportive measures may be offered as the result of such disclosures without formal University action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply.

Though this may seem obvious, when a Mandated Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though the University is technically not on notice when a harasser is also a Mandated Reporter unless the harasser does in fact report themselves

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

20. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether

the University proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/ no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by Kean University, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

21. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Kean University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

22. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under University policy.

23. Amnesty for Complainants and Witnesses

The Kean University community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants choose to report misconduct to Kean officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Kean University maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example,

an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to the Kean University Police Department.

The University maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees: Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get into trouble themselves. Employees should refer to the Whistleblower Act for information regarding employee protections for reporting. <https://www.kean.edu/offices/human-resources/current-employees/whistleblower-act>

24. Federal Statistical Reporting Obligations

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
2. Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
3. VAWA-based crimes,[12] which include sexual assault, domestic violence, dating violence, and stalking; and
4. Arrests and referrals for disciplinary action for



weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with campus law enforcement regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/ student conduct staff, Kean University Police Department, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

RESOLUTION PROCESS FOR ALLEGED VIOLATIONS OF THE POLICY ON SEXUAL HARASSMENT

1. Overview

Kean University will act on any formal or informal notice/ complaint of violation of the Policy that is received by the Title IX Coordinator[13] or any other Official with Authority by applying these procedures.

The procedures below apply only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above)

involving students, staff, administrators, or faculty members.

Unionized/other categorized employees are subject to the terms of their agreements/employees' rights to the extent those agreements do not conflict with federal or state compliance obligations.

All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the Student Code of Conduct, faculty, and staff handbooks.

All other allegations of discrimination involving employees unrelated to incidents covered by the Policy will be addressed through the procedures under the New Jersey State Policy Prohibiting Discrimination in the Workplace. Additional Information is available at: www.kean.edu/offices/affirmative-action

2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take.

The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

The University uses the Formal Grievance Process to determine whether or not the Policy has been violated. If so, the University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator^[14] engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- ▶ If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - ▶ If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- ▶ If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- ▶ The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- ▶ The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- ▶ The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - ▶ If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant

to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

- ▶ If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- ▶ If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - ▶ If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - ▶ an incident, and/or
 - ▶ a pattern of alleged misconduct, and/or
 - ▶ a culture/climate concern, based on the nature of the complaint.
 - ▶ If it does not, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit the University’s authority to address a complaint with an appropriate process and remedies.

a. Violence Risk Assessment [HAJ3]

In cases involving students, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Kean University Behavioral Intervention Team (KUBIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- ▶ Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- ▶ Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- ▶ Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- ▶ To help identify potential predatory conduct;
- ▶ To help assess/identify grooming behaviors;
- ▶ Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- ▶ Whether to permit a voluntary withdrawal by the Respondent;
- ▶ Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- ▶ Whether a Clery Act Timely Warning/No Trespass Order is needed.

In cases involving employees, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted through a threat assessment committee consisting of the President (or designee), the Director of Human Resources (or designee), and a member of Kean

University Police. The committee will then assign a trained individual(s) to perform the assessment, according to the specific nature of the Title IX case.

The assessor will follow the process for conducting a violence risk assessment and will rely on a consistent, research-based, reliable system that allows for the operationalization of the risk levels.

Threat assessment is the process of evaluating the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other administrators.

In cases involving students, a VRA authorized by the Title IX Coordinator should occur in collaboration with the KUBIT. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student conduct process.

In cases involving employees, the Associate Vice President for Employee Relations will make a determination whether an employee should be placed on paid administrative leave and/or be reassigned. The Associate Vice President for Employee Relations will then refer the recommendation to the Director of Human Relations for appropriate action.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

b. Dismissal (Mandatory and Discretionary) [15]

The University 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 sexual harassment as defined above, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the University does not have control of the Respondent; and/or;
3. The conduct did not occur against a person in the United States; and/or

4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of the recipient.[16]

The University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by the recipient; or
3. Specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, the University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it

4. Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.[17]

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate

that issues of potential bias will be explored by the hearing Decision-maker(s).

The University may permit parties to have an Advisor and a Support Person upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the University community.

If the parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

b. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith

The University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, the University is not obligated to provide an attorney

c. Advisors in Hearings/University-Appointed Advisor

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, the University will appoint an Advisor who will do so, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker(s) during the hearing.

d. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and University's policies and procedures.

e. Advisor Violations of Recipient Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee[18] during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during cross-examination.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.



f. Sharing Information with the Advisor

The University expects that the parties may wish to have the University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

The University also provides a consent form that authorizes the University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before the University is able to share records with an Advisor.

g. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Kean University. The University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the University's privacy expectations

h. Expectations of an Advisor

The University generally expects an Advisor to adjust their schedule to allow them to attend University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay

The University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

i. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

As a public entity, Kean University fully respects and accords

the Weingarten rights of employees. For parties who are entitled to union representation, the University will allow the unionized employee to have their union representative (if requested by the party) as well as an Advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, the other party (regardless of union membership) will also be permitted to have two Advisors. Witnesses are not permitted to have union representation or Advisors in grievance process interviews or meetings.

j. Assistance in Securing an Advisor [19]

The Title IX Coordinator or Director of Community Standards and Student Conduct can assist parties in securing an advisor.

For representation, Respondents may wish to contact organizations such as:

- ▶ Families Advocating for Campus Equality (<http://www.facecampusequality.org>)
- ▶ Stop Abusive and Violent Environments (<http://www.saveservices.org>)
- ▶ Complainants may wish to contact organizations such as:
 - ▶ The Victim Rights Law Center (<http://www.victimrights.org>),
 - ▶ The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
 - ▶ The Time's Up Legal Defense Fund (<https://nwlc.org/times-up-legal-defense-fund/>)

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with University policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Kean University encourages parties to discuss any sharing of information with their Advisors before doing so.

a. Informal Resolution

Informal Resolution can include three different approaches:

- ▶ When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- ▶ When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, etc., usually before a formal investigation takes place; see discussion in b., below.
- ▶ When the Respondent accepts responsibility for violating policy, and desires to accept a sanction



and end the resolution process (similar to above, but usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism, including mediation or restorative practices, etc., by which the parties reach a mutually agreed upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- ▶ The parties' amenability to Alternate Resolution;
- ▶ Likelihood of potential resolution, taking into account any power dynamics between the parties;

- ▶ The parties' motivation to participate;
- ▶ Civility of the parties;
- ▶ Results of a violence risk assessment/ongoing risk analysis;
- ▶ Disciplinary history;
- ▶ Whether an emergency removal is needed;
- ▶ Skill of the Alternate Resolution facilitator with this type of allegation;
- ▶ Complaint complexity;
- ▶ Emotional investment/capability of the parties;
- ▶ Rationality of the parties;
- ▶ Goals of the parties;
- ▶ Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. Negotiated Resolutions are not appealable.

7. Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees.

The list of Pool members and a description of the Pool can be found on the University’s website.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in the following roles, at the direction of the Title IX Coordinator:

- ▶ To provide appropriate intake of and initial guidance pertaining to complaints
- ▶ To act as an Advisor to the parties
- ▶ To serve in a facilitation role in Informal Resolution or Alternate Resolution if
- ▶ appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- ▶ To perform or assist with initial assessment
- ▶ To investigate complaints
- ▶ To serve as a hearing facilitator (process administrator, no decision-making role)
- ▶ To serve as a Decision-maker regarding the complaint
- ▶ To serve as an Appeal Decision-maker

b. Pool Member Appointment

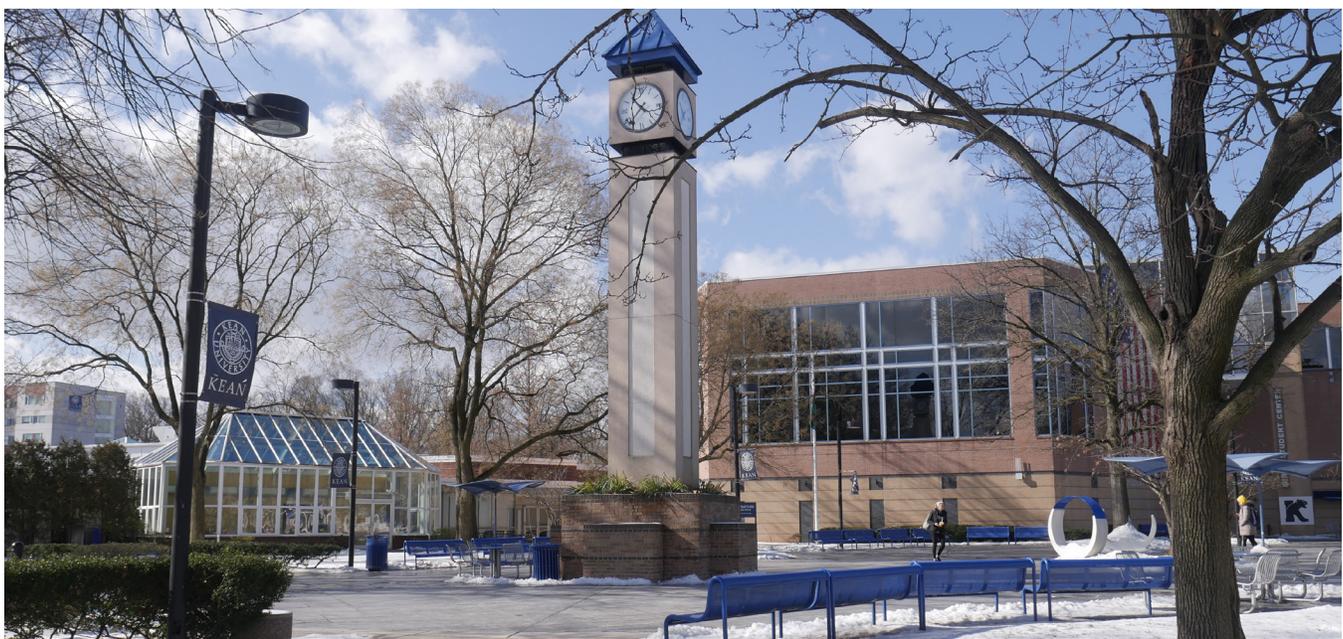
The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different

cases, the University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

c. Pool Member Training

The Pool members receive annual training jointly. This training includes, but is not limited to:

- ▶ The scope of the Recipient’s Sexual Harassment Policy and Procedures
- ▶ How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- ▶ Implicit bias
- ▶ Disparate treatment and impact
- ▶ Reporting, confidentiality, and privacy requirements
- ▶ Applicable laws, regulations, and federal regulatory guidance
- ▶ How to implement appropriate and situation-specific remedies
- ▶ How to investigate in a thorough, reliable, and impartial manner
- ▶ How to uphold fairness, equity, and due process
- ▶ How to weigh evidence
- ▶ How to conduct questioning
- ▶ How to assess credibility
- ▶ Impartiality and objectivity
- ▶ How to render findings and generate clear, concise, evidence-based rationales
- ▶ The definitions of all offenses
- ▶ How to apply definitions used by the recipient with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- ▶ How to conduct an investigation and grievance process



including hearings, appeals, and informal resolution processes

- ▶ How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- ▶ Any technology to be used at a live hearing
- ▶ Issues of relevance of questions and evidence
- ▶ Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- ▶ How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- ▶ Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are Kean University employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted on the University's website.

d. Pool Membership;

The Pool includes members from the following areas:

- ▶ Student Affairs
- ▶ Human Resources
- ▶ Academic Affairs administration and/or faculty
- ▶ Athletics

Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

8. Formal Grievance Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- ▶ A meaningful summary of all of allegations,
- ▶ The identity of the involved parties (if known),
- ▶ The precise misconduct being alleged,
- ▶ The date and location of the alleged incident(s) (if known),
- ▶ The specific policies implicated,
- ▶ A description of the applicable procedures,
- ▶ A statement of the potential sanctions/responsive actions that could result,
- ▶ A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- ▶ A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- ▶ A statement about the University's policy on retaliation,

- ▶ Information about the privacy of the process,
- ▶ Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- ▶ A statement informing the parties that the University's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- ▶ Detail on how the party may request disability accommodations during the interview process,
- ▶ A link to the University's VAWA Brochure,
- ▶ The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- ▶ An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Recipient records, or emailed to the parties' Recipient-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

The University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints one or more Pool member(s) to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process, including the Title IX Coordinator, Investigator(s), and Decision-maker(s), may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise

a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the President.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

12. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement

The University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to, a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

The University will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Kean will implement supportive measures as deemed appropriate.

University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- ▶ Determine the identity and contact information of the Complainant
- ▶ In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- ▶ Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
- ▶ Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
- ▶ Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
- ▶ Meet with the Complainant to finalize their interview/statement, if necessary
- ▶ Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
 - ▶ Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing present for all meetings attended by the party
- ▶ Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- ▶ Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- ▶ When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- ▶ Interview all available, relevant witnesses and conduct follow-up interviews as necessary
- ▶ Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- ▶ Complete the investigation promptly and without unreasonable deviation from the intended timeline

- ▶ Provide regular status updates to the parties throughout the investigation
- ▶ Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- ▶ Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- ▶ The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.
- ▶ Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- ▶ The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- ▶ The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize

the report. The Investigator(s) should document all rationales for any changes made after the review and comment period

- ▶ The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- ▶ The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of the University are expected to cooperate with and participate in the University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline. Student witnesses and witnesses from outside the Kean University community are encouraged to cooperate with University investigations and to share what they know about a complaint

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

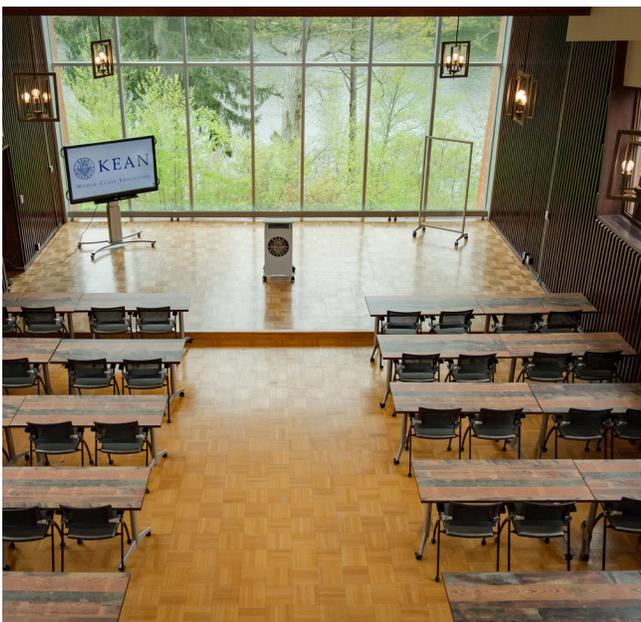
Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

17. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's



sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

18. Referral for Hearing

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation –when the final investigation report is transmitted to the parties and the Decision-maker—unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select the appropriate Decision-maker(s) from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker(s) depending on the context and nature of the alleged misconduct.

19. Hearing Decision-maker Composition

The University will designate a single Decision-maker from the Pool, at the discretion of the Title IX Coordinator. The Decision-maker will also chair the hearing.

The Decision-maker will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Decision-maker or designee.

20. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker determines is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible

violation, unless they evidence a pattern; 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming the University uses a progressive discipline system. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Decision-maker will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- ▶ A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- ▶ The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- ▶ Any technology that will be used to facilitate the hearing.
- ▶ Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- ▶ A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least three (3) business days prior to the hearing.
- ▶ Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- ▶ A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's



testimony and any statements given prior to the hearing will not be considered by the Decision-maker. For compelling reasons, the Decision-maker may reschedule the hearing.

- ▶ Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the Recipient will appoint one. Each party must have an Advisor present. There are no exceptions.
- ▶ A copy of all the materials provided to the Decision-maker about the matter, unless they have been provided already.[21]
- ▶ An invitation to each party to submit to the Decision-maker an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- ▶ An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- ▶ Whether parties can/cannot bring mobile phones/ devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the 60-90 business day goal for resolution.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative

arrangements from the Title IX Coordinator or the Decision-maker at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Decision-maker can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Decision-maker know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

23. Pre-Hearing Preparation

The Decision-maker or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Decision-maker assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Decision-maker do not assent to the admission of evidence newly offered at the hearing, the Decision-maker may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the name of the Decision-maker at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than three (3) business days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Decision-maker at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Decision-maker.

24. Pre-Hearing Meetings

The Decision-maker may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Decision-maker can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Decision-maker must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Decision-maker, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Decision-maker will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Decision-maker may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Decision-maker may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will be recorded.

25. Hearing Procedures

At the hearing, the Decision-maker has the authority to hear and make determinations on all allegations of sexual harassment that fall within this Policy.

Participants at the hearing may include the Decision-maker, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services. For Respondent student organizations, the organization president or designee will represent the organization.

The Decision-maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker and the parties and will then be excused.

26. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

27. The Order of the Hearing – Introductions and Explanation of Procedure

The Decision-maker explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker on the basis of bias or conflict of interest. The Title IX Coordinator will review and decide the challenge.

The Decision-maker and/or hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process may be managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. Investigator Presents the Final Investigation Report

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Decision-maker will disregard it.

29. Testimony and Questioning

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then



in the order determined by the Decision-maker. The parties/witnesses will submit to questioning by the Decision-maker and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Decision-maker. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision-maker upon request if agreed to by all parties and the Decision-maker), the proceeding will pause to allow the Decision-maker to consider it (and state if it has not been stated aloud), and the Decision-maker will determine whether the question will be permitted, disallowed, or rephrased.

The Decision-maker may invite explanations or persuasive statements regarding relevance with the Advisors, if the Decision-maker so chooses. The Decision-maker will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Decision-maker will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker has final say on all questions and determinations of relevance. The Decision-maker may consult with legal counsel on any questions of admissibility. The Decision-maker may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance

once the Decision-maker has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Decision-maker may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision-maker should not permit irrelevant questions that probe for bias.

30. Refusal to Submit to Cross-Examination and Inferences

Any party or witness may choose not to offer evidence and/or answer questions at the hearing, either because they do not attend the hearing, or because they attend but refuse to participate in some or all questioning. The Decision-maker(s) can only rely on whatever relevant evidence is available through the investigation and hearing in making the ultimate determination of responsibility. The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to submit to cross examination or answer other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with the

Recipient's established rules of decorum for the hearing, the Recipient may require the party to use a different Advisor. If a recipient-provided Advisor refuses to comply with the rules of decorum, the Recipient may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

31. Recording Hearings

Hearings (but not deliberations) are recorded by the University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker, the parties, their Advisors, and appropriate administrators of the University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

32. Deliberation, Decision-making, and Standard of Proof

The Decision-maker will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. The preponderance of the evidence standard of proof is used.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Decision-maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker may – at their discretion – consider the statements, but they are not binding.

The Decision-maker will review the statements and any pertinent conduct history provided by the Title IX Coordinator and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of the determination, the evidence not relied upon in the determination, credibility assessments, and any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

33. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Decision-maker to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by

legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker's deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Kean University records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent the Recipient is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by the University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

34. Statement of the Rights of the Parties (Found Immediately Following Policy and Procedures)

35. Sanction

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- ▶ The nature, severity of, and circumstances surrounding the violation(s)
- ▶ The Respondent's disciplinary history
- ▶ Previous allegations or allegations involving similar conduct
- ▶ The need for sanctions/responsive actions to bring an end to the sexual harassment and/or retaliation
- ▶ The need for sanctions/responsive actions to prevent

the future recurrence of

- ▶ sexual harassment and/or retaliation
- ▶ The need to remedy the effects of the sexual harassment and/or retaliation on the Complainant and the community
- ▶ The impact on the parties
- ▶ Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Remedies/Sanctions[HAJ4]

The following remedies and sanctions may be imposed when respondents have been found responsible for violation of the Code. In addition, other remedies and sanctions may be fashioned at the discretion of the Decision-maker.

- ▶ Letter of Reprimand.
- ▶ Probation – Notice that further violation of the Code may result in expulsion. Also, the decision may place some additional restrictions on membership in student organizations and/or participation in activities or may establish special restitution and service requirements.
- ▶ Suspension:
 - ▶ Specific Period – Revocation of the privilege of attending the University and using its facilities for a specific period not to exceed two academic years.
 - ▶ Indefinite Period – Revocation of the privilege of attending the University and using the facilities pending the satisfying of specific conditions. The Vice President for Student Affairs will determine whether the conditions have been satisfied.
 - ▶ Residence Hall Suspension - Revocation or restriction of privileges for the use of, access to, and/or residence in University Residence Halls
- ▶ Facilities Restriction -- Revocation or restriction of privileges for the use of some but not all University facilities
- ▶ Expulsion – Permanent termination of student status and rights to be present on University property and attend/participate in University-sponsored events
- ▶ Referral to civil or criminal authorities[HAJ5]

Any of the following may accompany a remedy and sanction:

- ▶ Restitution requiring individuals to restore or replace within a specified time, property which has been damaged, defaced, lost, or stolen.
- ▶ Service assignment requiring an individual to perform services for the community or the University
- ▶ Referral to appropriate psychological or psychiatric service for evaluation, mandated assessment, or other special help.
- ▶ Fines for drug and alcohol violations as outlined in the Annual Campus Security and Fire Safety Report at www.kean.edu/annual-campus-security-and-fire-safety-report

report.

- ▶ A Campus-Wide Notice of No Trespass will accompany a sanction of suspension or expulsion from the University.
- ▶ A Residence Life Notice of No Trespass will accompany any restriction imposed or related to residential living or visitation of the residence halls.
- ▶ Campus-Wide No Contact Order: The Vice President of Student Affairs may impose a Campus Wide No-Contact Order between parties when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the Campus-Wide No-Contact Order outlining to all parties the expected behavior including face to face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also not permitted to have any contact on behalf of either party.

b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- ▶ Verbal warning
- ▶ Counseling memo
- ▶ Written warning
- ▶ Official Written Reprimand
- ▶ Suspension
- ▶ Demotion
- ▶ Fine
- ▶ Termination
- ▶ Tenure Charges (tenured faculty only)

Other Actions: In addition to or in place of the above sanctions/responsive actions, the University may assign any other responsive actions as deemed appropriate

36. Withdrawal or Resignation While Charges Pending

Students: Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the University, the resolution process ends, as the University no longer has disciplinary jurisdiction over the withdrawn student.

However, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to the University. Such exclusion applies to all campuses of University. Admissions will be notified that they cannot be readmitted. They may also be barred from Recipient property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to University unless and until all sanctions have been satisfied.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the University will continue to address and remedy any systemic issues or concerns that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with the University or any campus of the University, and the records retained by the Title IX Coordinator will reflect that status.

All University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

37. Appeals

Any party may file a request for appeal (“Request for Appeal”), but it must be submitted in writing to the Title IX Coordinator within seven (7) days of the delivery of the Notice of Outcome. An Appeal Decision-maker will be designated from the Pool by the Title IX Coordinator. No Appeal Decision-maker will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Decision-maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but

solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

- A. Procedural irregularity that affected the outcome of the matter;
- B. 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
- C. The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given seven (7) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Appeal Decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in seven (7) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses. The Appeal Decision-maker will render a decision in no more than seven (7) business days, barring exigent circumstances.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal,



any specific instructions for remand or reconsideration, any sanctions that may result which the University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent the University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

If the original sanctions include separation in any form, the University may place a hold on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal. The Respondent may request a stay of these holds from the Title IX Coordinator within two (2) business days of the notice of the sanctions. The request will be evaluated by the Title IX Coordinator or designee, whose determination is final.

c. Appeal Considerations

- ▶ Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- ▶ Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- ▶ An appeal is not an opportunity for an Appeal Decision-maker to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- ▶ The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- ▶ Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.



- ▶ Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- ▶ In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- ▶ The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- ▶ In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

38. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- ▶ Referral to counseling and health services
- ▶ Referral to the Employee Assistance Program
- ▶ Education to the individual and/or the community
- ▶ Permanent alteration of housing assignments

- ▶ Permanent alteration of work arrangements for employees
- ▶ Provision of campus safety escorts
- ▶ Climate surveys
- ▶ Policy modification and/or training
- ▶ Provision of transportation accommodations
- ▶ Implementation of long-term contact limitations between the parties
- ▶ Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the Recipient to the Respondent to ensure no effective denial of educational access.

The Recipient will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair the Recipient’s ability to provide these services.

39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University.

40. Recordkeeping

Kean University will maintain for a period of seven (7) years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the University’s education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Kean University will make these training materials publicly available on Kean’s website; and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:



- a. The basis for all conclusions that the response was not deliberately indifferent;
- b. Any measures designed to restore or preserve equal access to the University's education program or activity; and
- c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Kean University will also maintain any and all records in accordance with state and federal laws.

41. Disabilities Accommodations in the Resolution Process

Kean University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

Anyone needing such accommodations or support should contact the Director of Accessibility Services (students) or Human Resources ADA Coordinator (employees), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

42. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective September 14, 2020.

STATEMENT OF RIGHTS OF THE PARTIES

- ▶ The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or retaliation made in good faith to Kean University officials.
- ▶ The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- ▶ The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- ▶ The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- ▶ The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- ▶ The right to be treated with respect by University officials.
- ▶ The right to have University policies and procedures followed without material deviation.
- ▶ The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- ▶ The right not to be discouraged by University officials from reporting sexual harassment or retaliation to both on-campus and off-campus authorities.
- ▶ The right to be informed by University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- ▶ The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Kean University Police Department and/or other University officials.
- ▶ The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; legal, student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- ▶ The right to a University-implemented no-contact order or a No Trespass Order against a non-affiliated third party when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct.
- ▶ The right to be informed of available assistance in

changing academic, living, and/or working situations after an alleged incident of sexual harassment and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:

- ▶ Relocating an on-campus student's housing to a different on-campus location
- ▶ Assistance from University staff in completing the relocation
- ▶ Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
- ▶ Transportation accommodations
- ▶ Visa/immigration assistance
- ▶ Arranging to dissolve a housing contract and a pro-rated refund
- ▶ Exam, paper, and/or assignment rescheduling or adjustment
- ▶ Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
- ▶ Transferring class sections
- ▶ Temporary withdrawal/leave of absence (may be retroactive)
- ▶ Campus safety escorts
- ▶ Alternative course completion options.
- ▶ The right to have the University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair the University's ability to provide the supportive measures.
- ▶ The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- ▶ The right to ask the Investigator(s) and Decision-

maker(s) to identify and question relevant witnesses, including expert witnesses.

- ▶ The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- ▶ The right to have inadmissible prior sexual history or irrelevant character evidence excluded by the decision-maker.
- ▶ The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- ▶ The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- ▶ The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- ▶ The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- ▶ The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- ▶ The right to regular updates on the status of the investigation and/or resolution.
- ▶ The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received at least eight (8) hours of relevant annual training.
- ▶ The right to preservation of privacy, to the extent possible and permitted by law.
- ▶ The right to meetings, interviews, and/or hearings that are closed to the public.
- ▶ The right to petition that any Recipient representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- ▶ The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- ▶ The right to the use of the appropriate standard of evidence, preponderance of the evidence to make a finding after an objective evaluation of all relevant evidence.
- ▶ The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- ▶ The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- ▶ The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without



undue delay) to the parties.

- ▶ The right to be informed in writing of when a decision by the University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- ▶ The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by the University.
- ▶ The right to a fundamentally fair resolution as defined in these procedures.

ATIXA 2020 MODEL SEXUAL HARASSMENT POLICIES AND PROCEDURES. USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO KEAN UNIVERSITY. ALL OTHER RIGHTS RESERVED. ©2020. ATIXA

Additional information regarding Kean University's Title IX policy and procedures may be on Kean University's Office of Affirmative Action's website at <https://www.kean.edu/offices/affirmative-action>.

Footnotes

[3] For the purpose of this policy, the Kean University defines "student" as an individual who has accepted an offer of admission and who has a continuing relationship with the University, including taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, professional studies, or continuing education.

[5] For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Kean employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the Recipient's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the Recipient's Student Records Policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared

by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

[6] Implicitly or explicitly.

[7] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

[8] Sexual acts include:

- ▶ Forcible Rape:
 - ▶ Penetration,
 - ▶ no matter how slight,
 - ▶ of the vagina or anus with any body part or object, or
 - ▶ oral penetration by a sex organ of another person,
 - ▶ without the consent of the Complainant.
- ▶ Forcible Sodomy:
 - ▶ Oral or anal sexual intercourse with another person,
 - ▶ forcibly,
 - ▶ and/or against that person's will (non-consensually), or
 - ▶ not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age# or because of temporary or permanent mental or physical incapacity.
- ▶ Sexual Assault with an Object:
 - ▶ The use of an object or instrument to penetrate,
 - ▶ however slightly,
 - ▶ the genital or anal opening of the body of another person,
 - ▶ forcibly,
 - ▶ and/or against that person's will (non-consensually),
 - ▶ or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because



of temporary or permanent mental or physical incapacity.

- ▶ Forcible Fondling:
 - ▶ The touching of the private body parts of another person (buttocks, groin, breasts),
 - ▶ for the purpose of sexual gratification,
 - ▶ forcibly,
 - ▶ and/or against that person's will (non-consensually),
 - ▶ or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

[9] This would include having another person touch you sexually, forcibly, or without their consent.

[10] The state definition of ineffective consent is as follows: "Unless otherwise provided by the code or by the law defining the offense, assent does not constitute consent if: It is given by a person who is legally incompetent to authorize the conduct charged to constitute the offense; or 1. It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature of harmfulness of the conduct charged to constitute an offense; or 2. It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense." N.J. Stat. Ann. § 2C:2-10. This definition is applicable to criminal prosecutions for sex offenses in New Jersey, but may differ from the definition used on campus to address policy violations.

[11] Bondage, discipline/dominance, submission/sadism, and masochism.

[12] VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

[13] Anywhere this procedure indicates "Title IX Coordinator," the University may substitute a trained designee.

[14] If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

[15] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

[16] Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

[17] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

[18] Subject to the state law provisions or University policy above.

[19] This is being provided for informational purposes and does not constitute an endorsement of any of the organizations listed.

[20] This does not preclude the University from having

all members of the Pool go through an application and/or interview/selection process.

electronic means that preclude downloading, forwarding, or otherwise sharing

[21] The final investigation report may be shared using

Kean University VAWA Prevention and Awareness Programming

Kean University does not tolerate gender based harassment or sexual misconduct- in any form- on its campus. As part of its commitment to eradicating gender based harassment and sexual misconduct on campus, Kean University provides annual education, training and programming to all students, faculty and staff, with a specific emphasis on Kean specific resources and prevention and response strategies. Training and programmatic efforts target specifically identified concerns within the Kean community and the nation at large..

Student Education and Training

On- Line Sexual Assault and Prevention Module from Get Inclusive: Kean University provided all incoming students a confidential, non-judgmental substance and sexual abuse on-line education program that prepares students to prevent and confront issues of relationship violence and sexual misconduct. This on-line module examines Kean University policies prohibiting sexual misconduct, identifies available resources within the Kean community and the state of New Jersey, and explores the meaning of consent. All first year students received this

module during as part of their GE 1000 (Transition to Kean) requirements.

Student Affairs Student Employee Sexual Misconduct Orientation Training: The Student Affairs Division provided student employees training in sexual misconduct awareness and response prior to the start of the academic year in August 2020 as part of the divisional orientation. The training focused on Kean specific policies and procedures, with a particular emphasis on confidentiality, the duty to report, and available campus and community resources.

TRANSITION TO KEAN (T2K) Wellness Workshops: As part of the GE 1000 Transition to Kean (T2K) course requirement, Wellness Workshops were offered to all incoming freshmen students throughout the academic year. The Wellness Workshops were the coordinated effort of the Office of Counseling, Disability, Alcohol and Other Drug Services and the Office of Community Standards and Student Conduct to inform students of the resources, policies and procedures regarding student safety and well-being, including those in relation to sexual misconduct. Data collected through post workshop surveys indicated that students felt that the workshops presented useful safety and resource information.



STEP UP Bystander Intervention Training: STEP UP is a pro social behavior and bystander intervention program that educates students to be proactive in helping others. Teaching students about the determinants of pro-social behavior makes them more likely to help in the future. Information about the Step UP program was presented to all Student Affairs student employees in August as part of the divisional training. STEP UP will continue to expand to reach student leaders during the next academic year. More information on the STEP UP program can be found at <http://stepupprogram.org/>.

Orientation Programming on Sexual Assault: The National Center for Higher Education Risk Management (TNG) provided all freshmen students with a two hour sexual misconduct awareness program. The program highlighted risk reduction strategies, Kean specific policies and resources, and national trends.

Title IX Training for Athletes: Student athletes, as well as coaches and athletic administrators, received intensive sexual assault education awareness and prevention training in order to comply with recent NCAA regulations. Specifically, the Office of Community Standards and Student Conduct conducted workshops on sexual misconduct, substance use, and Kean University's policies and resources. Specific emphasis was placed on bystander intervention strategies.

Faculty and Professional Staff Education and Training

BRIDGES: Full-time faculty and staff received on-line training about sexual assault legislative mandates, prevention, and response, with a particular emphasis on the role of faculty and staff as mandated reporters. Additionally, the Bridges module, created by Everfi Corporate Compliance, highlighted Kean specific policy and resource information.

Adjunct Faculty Title IX and Clery Act Training: Part of the affirmative action training available to all adjunct faculty in August 2019 included a presentation highlighting Kean University policies and procedures relating to Title IX and the Clery Act, focusing on identification of resources within the campus community and reporting obligations.

Sexual Assault Hearing Officer Training: ATIXA, the Association of Title IX Administrators, delivered expert training on the investigation, response and remediation of sexual misconduct on campus to sexual misconduct hearing officers, with specific focus on the University's new procedures.

Screenings of Roll Red Roll: Three separate screenings of Roll Red Roll were conducted in coordination with the Peer Educators during the spring 2021 semester. A panel discussion followed each screening, focusing on ways to prevent sexual violence and the roles athletes in particular can help create a safer campus environment.

**The above list is not comprehensive; Additional programs and events targeted at ending sexual misconduct, stalking and intimate partner violence were held during the 2020-2021 academic year.*

Kean University Can Help: Safety, Resources and Support

Kean University provides resources and support to community members who may have experienced sexual misconduct. The following resources are available at each respective campus:

If you are in danger, please call 9-1-1 for immediate assistance. If you are a member of the Wenzhou-Kean community, call 1-1-0.

Union Campus

- ▶ **Department of Public Safety and Police**
Downs Hall
(908) 737-4800
24 hours per day, 7 days per week
- ▶ **Student Health Services***
Downs Hall, room 126
(908) 737-4880
Monday–Friday, 9 a.m.–5 p.m.

- ▶ **Office of Counseling, Accessibility, Alcohol and Other Drug Services*** Due to COVID 19 Kean Counseling has a new number (908) 316- 8217 and extended hours
 - ▶ Monday– Thursday- Friday, 9 a.m.–5 p.m.;
 - ▶ Tuesday-Wednesday 9 a.m.- 7 p.m.; Saturday-Sunday 10 a.m.- 2.p.m.
- ▶ **Title IX Coordinator**
Townsend Hall, Room 133
(908) 737-3330
- ▶ **Office of Community Standards and Student Conduct**
Miron Student Center, room 317
(908) 737-5240
Monday–Friday, 9 a.m.–5 p.m.
- ▶ **Student Support Advocate***
Contact Health Services at (908) 737-4880 or email hsnurses@kean.edu

Union County 24 Hour Hotlines

- ▶ **Union County Trinitas Hospital 24 hour hotline*:**
(908) 351-6684
- ▶ **Union County Rape Crisis Center Hotline*:**
(908) 233-7273
- ▶ **Union County Domestic Violence Hotline*:**
(908) 355-4357

Kean Ocean Resources

Although any Kean University student may utilize the resources available to them that are based in any campus location, local resources are also available to students who take classes at the Kean Ocean campus in Toms River, NJ.

- ▶ **Ocean County College Campus Security**
(732) 255-0451
24-hours/7-days a week
- ▶ **Community Medical Center***
99 NJ-37, Toms River, NJ 08755
(732) 557-8000 24-hours/7-days a week
- ▶ **The Doctor's Office-Brick***
686 Route 70, Brick, NJ 08723
(732) 262-8200
www.thedoctorsofficeurgentcare.com/brick
- ▶ **Counseling Services***
Kean Ocean / Ocean County College
(732) 255- 0386
- ▶ **St. Francis Counseling Service, Sexual Abuse and Assault Program***
(732) 370-4010
- ▶ **Ocean County Crisis Intervention Helpline***
(732) 240-6100
- ▶ **Providence House-Domestic Violence Services***
(732) 244-8259

New Jersey Resources

- ▶ **NJ Statewide Domestic Violence Hotline*:**
1-800-572-7233
- ▶ **New Jersey Coalition Against Sexual Assault (NJCASA) Hotline*:**
1- 800-601-7200
- ▶ **NJ Hopeline*:**
1-855-654-6735
- ▶ **National Suicide Prevention Hotline:**
1-800-273-8255
- ▶ **Veterans Crisis 24-hour Hotline*:**
1-800-273-8255 (Press 1)

Wenzhou-Kean Resources

In the event of an emergency, call 1-1-0.

- ▶ **Wenzhou-Kean Security:**
0577-55870110 or 0577-55870033
- ▶ **Vice Chancellor**
Dr. Shuli Xu
Wenzhou-Kean University
Room A217
88 Daxue Rd., Ouhai, Wenzhou
Zhejiang Province
P.R. China 325060
(+86)577-5587-0132
- ▶ **Suntree Counseling***
General Education Building, Room 407
0577-55870126

**Denotes that this resource is confidential*



Section 3: University Policies

University Student Code of Conduct Proceedings

I. Student Code of Conduct

Kean University is committed to providing a campus environment that is conducive to academic inquiry in the university tradition. Kean is a metropolitan, comprehensive, teaching university that exists to foster inquiry and public discourse. It is also a community. At Kean, student members of the community are expected to abide by certain standards of conduct that form the basis of the Student Code of Conduct [Code] and ensure that their guests and visitors do likewise. These standards are embodied within a set of core values that include **integrity, fairness, respect, community, and responsibility**. When students fail to adhere to the community standards, appropriate proceedings may be initiated under the Code to address the failure and its consequences.



Definition of A Student

For the purposes of enforcing the Code, students are defined as persons who have accepted an offer of admission and who have a continuing relationship with the University, including taking courses at the University, both full-time and part-time, pursuing undergraduate, graduate, professional studies, or continuing education. The Code remains in effect at all Kean University campuses including Union, Kean Ocean and Wenzhou-Kean, as well as at off-campus sites or on the Internet. In addition, a University-recognized student organization is defined as any group of Kean students meeting the criteria for group registration or recognition established by the Vice President for Student Affairs.

The Vice President for Student Affairs is responsible for overseeing processes related to the implementation of the **Code**.

II. The Student Conduct Process Upholds Community Values

The student conduct process at Kean is intended to protect the interests of all members of the campus community and appropriately address conduct not in accord with the Code. Remedies and sanctions are intended to contribute to the development of student decision-making and to help them bring student behavior into accord with community values. When a student does not conform his/her behavior to community expectations, the student may be subject to appropriate remedies and sanctions including, but not limited to, restriction or loss of the privilege of participating in this community. The student conduct process is different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not necessarily include the same process afforded by the courts.

III. Jurisdiction Over Student Conduct

Students at Kean University are annually provided notification that explains how they may access the Code on the University Web site (www.kean.edu/policies or www.kean.edu/offices/community-standards-student-conduct). The printed document is also available in the Office of the Vice President for Student Affairs (Miron Student Center, Room 303), the Office of Community Standards and Student Conduct (Miron Student Center, Room 317) and at Wenzhou-Kean, D203 in the General Education Hall. Students are charged with the responsibility to read and to abide by the provisions of the Code and the authority of the student conduct process. The Code and the student conduct process apply to the conduct of individual students and University-recognized student organizations. Because the Code is based on shared values, it sets a range of expectations for the Kean student no matter where or when their conduct may take place. Therefore, the Code applies to conduct that takes place on the campus, at University-sponsored events, and off-campus, when the administration determines that the off campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- ▶ Constitutes a violation of local, state or federal law, including violations of any law or regulation of Wenzhou and/or the People's Republic of China. Included are repeat violations of any local, state or federal law committed in the municipality where the University is located.
- ▶ Indicates that the student may present a danger or threat to the health or safety of him/herself or others.
- ▶ Significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- ▶ Is detrimental to the educational interests of the University.

The Code may be applied to conduct that takes place during the time a person is enrolled as a student, including during intra-semester breaks and between semesters. Further, the Code applies to guests of community members whose hosts may be held accountable for the misconduct of their guests and to visitors to the Kean campus. Sanctions for violations by visitors and guests may include but not be limited to a warning, Campus-Wide and Residence Life No Trespass and referral to the Department of Public Safety and Police. Visitors to and guests of the University are also protected by the Code, and may initiate grievances for violations of the Code committed by members of the University community against them. The University may address misconduct that occurs prior to, but is not reported until after, the graduation of the offending student, as long as the misconduct is reported within six months of its occurrence. Otherwise, there is no time limit on reporting of violations of the Code, as long as the offending student is still enrolled at the University. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Community Standards and Student Conduct.

IV. Violations of the Law

Violations of federal, state, and local laws are offenses under the Code even where those violations are not explicitly prohibited by this Code, including violations of any law or regulation of Wenzhou and/or the People's Republic of China. Where such offenses occur off campus, the University may institute conduct proceedings that affect a substantial university interest, at the discretion of the director of Community Standards and Student Conduct. The University may institute conduct proceedings against a student charged with violation of federal, state, or local laws without regard to the existence or possibility of civil or criminal legal proceedings. It is the policy of the University typically to pursue the conduct process in a timely manner through its conduct proceedings, rather than to delay campus proceedings for external criminal and/or civil proceedings arising from the same misconduct.

V. Special Provisions

Attempted Violations

In most circumstances, Kean University will treat attempts to commit any of the violations listed in the Student Code of Conduct as if those attempts had been completed.

College as Complainant

As necessary, Kean University reserves the right to initiate a complaint, to serve as complainant, and to initiate conduct proceedings without a formal complaint of misconduct.

False Reports

Kean University will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

Group Violations

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the group as jointly accused students. In any such action, however, determinations will be made with respect to the involvement of each accused individual.

Immunity for Reporting Party

Kean University encourages the reporting of conduct code violations and crimes by reporting parties. Sometimes reporting parties are hesitant to report to University officials because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of

the incident. It is in the best interests of this community that as many reporting parties as possible choose to report to University officials. To encourage reporting, Kean University pursues a policy of offering reporting parties of crimes and severe conduct offenses amnesty from policy violations related to the incident.

Medical Amnesty/Good Samaritan

1. Philosophy

Kean University remains committed to ensuring the health, safety and well-being of its community. As such, the University recognizes that there may be health or safety emergencies related to alcohol consumption or the use of other substances in which fear of student conduct or disciplinary action may serve as a deterrent to students who want to seek help for themselves or others. Kean University wants to make certain that students do not hesitate to seek help when faced with life threatening or critical substance related emergencies. In these circumstances, the University's response will focus on education and prevention rather than on disciplinary action. Additional associated student conduct violations that threaten the health, safety and well-being of the community may be addressed on a case by case basis as determined appropriate by the Office of Community Standards and Student Conduct or designee.

2. Procedures

a. Students who seek emergency medical assistance for themselves or for whom medical assistance was sought related to consumption of alcohol and/or drug overdose will not be charged with violations of the Kean University Code of Conduct associated with that action (specifically: Section VI., Letter E. 5 & 6 and/or RSS policy numbers 11 & 12), provided they comply with the following conditions:

1. The student subsequently completes a screening at the Office of Counseling, Accessibility, Alcohol and Other Drug Services and follows through with recommendations, which may include a more comprehensive evaluation from an outside

agency or Choice program.

2. This follow-up must be completed within the time frame determined by the University.
 3. Failure to complete this screening/evaluation/treatment may result in student conduct charges being filed with the Office of Community Standards Student Conduct.
- b. In order for Medical Amnesty/Good Samaritan to apply to students who seek emergency medical assistance for someone else, the students must communicate the substance related emergency directly to emergency medical services, 9-1-1, or to a University authority such as a Resident Assistant. The student must also remain with the individual until the emergency personnel arrive and cooperate with all emergency personnel requests for information and assistance. If the conditions for Medical Amnesty/Good Samaritan are met, the students will not be charged with violations of the Kean University Code of Conduct related to consumption of alcohol, alcohol intoxication, and/or drug use (specifically: Section VI., Letter E. 5 & 6 and/or RSS policy numbers 11 & 12 respectively), provided that the student subsequently participates in a meeting with and complies with all recommended stipulations established by the Director of Community Standards and Student Conduct.
- c. Student organizations who wish to employ Medical Amnesty/Good Samaritan will be determined on a case-by-case basis.
- d. Medical Amnesty/Good Samaritan applies only to those students or organizations who seek emergency medical assistance in connection with alcohol or drug overdose and does not apply to individuals experiencing an alcohol medical emergency who are found by University employees. (i.e. University Police, faculty, administrative staff, residence hall directors, resident assistants, community assistants, security staff, etc...)
- e. Medical Amnesty/Good Samaritan is not intended to shield or protect those students or organizations that repeatedly violate the Code of Conduct. In cases



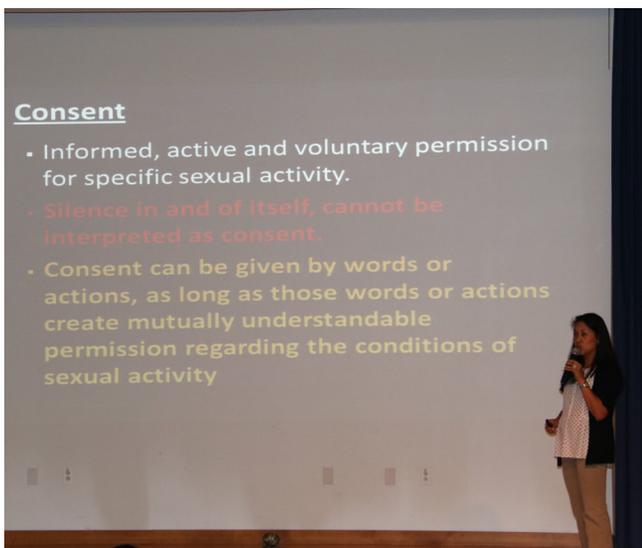
where repeated violations of the Kean University Code of Conduct occur, the University reserves the right to take disciplinary action on a case by case basis regardless of the manner in which the incident is reported. Additionally the University reserves the right to adjudicate any case in which the violations are determined by the University in its sole discretion to be egregious.

- f. The Office of Community Standards and Student Conduct reserves the right to contact any student to discuss an incident whether or not Medical Amnesty/Good Samaritan is in effect.
- g. Information concerning students who utilize Medical Amnesty/Good Samaritan is confidential, but will be recorded for case management purposes.
- h. Medical Amnesty/Good Samaritan does not preclude students from being held responsible for other violations of the Code of Conduct.
- i. Under Kean University's Parental Notification Policy, parents may be notified about incidents involving medical amnesty as determined to be appropriate by the Office of Community Standards and Student Conduct or designee.

Revised August 2017

(Note: These procedures only provide amnesty from violations of the Kean University Student Code of Conduct. It does not grant forgiveness for criminal, civil, or legal consequences for violations of Federal, State, or Local law. However, the "911 Lifeline Legislation" approved on October 1, 2009, P.L.2009, c.133 does allow for underage individuals to receive amnesty in accordance with the provisions of the law. Individuals must stay on scene and assist responders with information concerning the at-risk individual to comply with the law. Further, Good Samaritan Emergency Response Act, approved on May 2, 2013 (A578/S851), allows for the same regarding drug overdoses.)

Adopted on 6/21/2016



Parental Notification

Kean University reserves the right to notify parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The college may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is not-dependent, Kean University will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. Kean University also reserves the right to designate which University officials have a need to know about individual conduct complaints pursuant to the Family Education Rights and Privacy Act (FERPA).

Notification of Outcomes

The outcome of a campus hearing is part of the educational record of the accused student, and is protected from release under the federal FERPA law. However, Kean University observes the legal exceptions as follows:

Reporting parties in sexual misconduct, sexual harassment, and any other incidents falling under Title IX have an absolute right to be informed of the outcome and sanctions of the hearing, and the rationale for the decision, in writing, without condition or limitation.

The University may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The University also will release this information to the reporting party in any of these offenses regardless of the outcome.

Defenses

It has become common for students accused of policy violations to try to defend their actions with excuses, such as prescription drug interactions, self-defense, disabilities, etc. The University's policy on defenses is clear. Defending your actions is admitting to a policy violation. "Yes, we fought, but he started it." This still means you had a fight, and that violates the rules. You may have taken someone's property under the influence of an anti-depressant, but you still took someone else's property. While your defense will not excuse your actions, Kean University will take into consideration the legitimacy of your defense in addressing the proper sanction. If you were not the aggressor in a fight, you will still be sanctioned, but your sanction may be less than the sanction of the person who started the fight.

Misconduct Online

Students are cautioned that behavior conducted online such as harassment delivered by email can subject them to a University conduct action. Students must also be aware that blogs, webpages, Google+, Twitter, Facebook entries, and similar online postings are in the public sphere and are not

private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The University does not regularly seek this information, but will take action if and when such information is brought to the attention of University officials.

VI. Offenses Under the Code

A. Integrity

Kean University students exemplify honesty, integrity, and a respect for truth in all of their dealings. Behavior that demonstrates a lapse of integrity includes, but is not limited to:

1. Acts of dishonesty
 - a. Furnishing false information to any Kean University official, faculty member or office
 - b. Forgery, alteration, or misuse of any Kean University document, record, or instrument of identification
 - c. Tampering with the election of any Kean University registered student organization
 - d. Causing, condoning, or encouraging the completion of any Kean University record, document or form dishonestly
 - e. Initiating a false report or warning of fire, explosion, bomb threat, or other emergency
 - f. Deception – to defraud, lie, or scam to receive something of value or to mischaracterize so as to give a false belief or conclusion about something in a way that is harmful to another
 - g. Knowingly presenting a worthless check or forging a money order in payment to Kean University or to a member of the Kean University community acting in an official capacity, or failure to make satisfactory arrangement for the settling of accounts with Kean University;
2. Violations of positions of trust or authority (i.e., student employee, student leader, student athlete, student volunteer) within the community;
3. Misuse or unauthorized use of Kean University and/or organizational names and images; all Kean University sponsored activities must be sanctioned through appropriate administrative process; all Kean University representation must be approved by the Office of the Vice President for Student Affairs or the appropriate designee;
4. Intentional and unauthorized taking of the property of the University or personal property of a member of the University community including, without limitation:
 - a. Knowingly possessing stolen property
 - b. Selling or attempting to sell textbooks unless the seller is the owner of the textbook or has the permission of the owner to do so

- c. Taking, attempting to take, or keeping items belonging to the library or items placed in the library for display

B. Fairness

Kean University students honor fairness and strive for fairness in all their dealings and interactions. Behavior that relates this value includes but is not limited to:

1. Obstruction of freedom of movement by community members or visitors
2. Abuse, interference, or failing to comply in Kean University processes including Conduct and Academic Integrity hearings;
3. Abuse of the campus conduct system, including:
 - a. Failure to attend meetings scheduled for conduct code administration purposes;
 - b. Falsification, distortion, or misrepresentation of information;
 - c. Failure to provide, destroying, omitting, or hiding information during an investigation of an alleged policy violation;
 - d. Attempting to discourage an individual's participation in, or use of, the campus conduct system;
 - e. Harassment (verbal or physical) and/or intimidation of a member of a campus conduct body prior to, during, and/or after a campus conduct proceeding;
 - f. Failure to comply with the sanction(s) imposed by the campus conduct system;
 - g. Failure to respect the dignity and privacy of fellow Kean community members by disclosing confidential information obtained during participation in a student conduct proceeding;
 - h. Influencing or attempting to influence (i.e., texting, calling, email, skypeing) another person to commit an abuse of the campus conduct system.

C. Community

Kean University students honor and value their community. Behavior that violates this value includes, but is not limited to:

1. Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespass
 - a. Unauthorized or attempted entry into any building, office, construction site, or other Kean University facility
 - b. Unauthorized possession, use, or duplication of keys or other methods of controlled access such as ID or access cards or key codes
2. Damage to or littering Kean University grounds and/or properties owned or leased by registered student

organizations

- a. Driving motor vehicles on lawn or grounds without permission
 - b. Failure to clean up sidewalk chalk following an authorized student event
 - c. Failure to maintain an organization's facilities and/or surrounding property
 - d. Vandalism, the causing of intentional damage to the property of another or to Kean University
 - e. Damaging items rented, leased, or placed on the campus at the request of Kean University
3. Substantial disruption to or unreasonable interference with University operations, teaching, research, administration, other Kean University activities, including its public service functions on or off campus, or of other authorized non-Kean University activities when the conduct occurs on Kean University or leased premises.
- a. Unruly classroom behavior that impedes instructional pedagogy
 - b. Obstruction of the free flow of pedestrian or vehicular traffic on Kean University premises or at Kean University sponsored or supervised functions.
 - c. Participating, leading, or inciting an on-campus or off-campus demonstration, riot, or activity that substantially and/or unreasonably disrupts or interferes with the normal operations of Kean University and/or infringes on the rights of other members of the Kean University community;
 - d. Failure to follow University special event policies and procedures for University events held on or off-campus.
4. Inappropriate use of resources as stated in Policy on Information Technology, including misuse of Kean University computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network will be held responsible for any violation of this policy that originates from that computer. Examples of misuse include:
- a. Use of computing facilities to send harassing or abusive messages;
 - b. Use of computing facilities to interfere with the work of other community members;
 - c. Unauthorized access to a file or personal or group account;
 - d. Use of computing facilities to interfere with normal operation of the Kean University computer system;
 - e. Anonymous or forged network news articles or E-mail messages;
 - f. Disk usage over the allotted limit without prior approval;
 - g. Unauthorized transfer of a file;
 - h. Unauthorized use of another individual's identification, username, and password.
 - i. Making copies of copyrighted computer software when no written authority to copy the software has been granted;
5. Possession of firearms, explosives, other weapons (including, but not limited to BB/pellet guns, slingshots, and sharp edged instruments, such as hatchets when used as weapons), or dangerous chemicals while on campus, unless properly authorized;
6. Having animals on campus except service animals and those that may be required for class unless otherwise approved through the Office of Accessibility Services.



D. Respect

Kean University students show respect for each other, for property and for the community. Behavior that violates this value includes, but is not limited to:

1. Threatening, intimidation, or severe verbal or physical abuse.
2. Assault or other conduct which threatens or endangers the health or safety of any person; and/or any conduct which is marked by utter thoughtlessness or disregard for oneself or others and provides a substantial risk to persons or property;
3. Bullying, defined as gestures or written, verbal, electronic, or physical acts that a reasonable person should know will cause physical and/or emotional harm of fear of harm to one or more individuals, often involving an imbalance of physical, psychological, and/or social power, occurring usually,

but not necessarily, repeatedly and over time, and which is not speech or conduct protected by the First Amendment;

4. Intimidation (implied threats) or coercion (pressuring another unreasonably until an act is not truly voluntary);
5. Discriminatory harassment, including speech, actions, or conduct which have the effect of depriving a member of the community of educational or employment access, enjoyment, benefits, or opportunities. Merely offensive or annoying behavior may feel like harassment, but to rise to the level of a Code violation, harassment must have the potential to cause a deprivation of the civil rights of a member of a protected class; Protected classes at Kean University include gender, race, color, religion, age, national origin, ethnicity, disability, veteran's status, sexual orientation, and pregnancy status.
6. Hazing, defined as behavior that endangers the mental or physical health of a student as a condition for initial or continued affiliation with any group regardless of either the lack of intent to endanger the student or the student's own willingness to participate. The express or implied consent of the reporting party will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule;
7. Domestic Violence such as actual threat or threatened physical harm or the infliction of fear of imminent physical harm upon a family member, significant other, household member, or resident sharing a room; violence between those in an intimate relationship to each other;
8. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of another.
9. Sexual misconduct, including:
 - a. sexual harassment – sex or gender-based verbal or physical conduct that unreasonably interferes with or deprives someone of educational access, benefits, or opportunities
 - b. non-consensual sexual contact
Any intentional sexual touching
However slight,
With any object
By a person upon another person
That is without consent and/or by force*
 - c. non-consensual sexual intercourse
Any sexual intercourse (anal, oral, or vaginal)
However slight
With any object
By a person upon another person
That is without consent and/or by force*

***Consent Defined**

Consent is informed, active and voluntary permission for specific sexual activity. Silence, in and of itself, cannot be interpreted as

consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts.

- d. Sexual exploitation – occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
 - i. Prostituting another student
 - ii. Non-consensual video or audio-taping of sexual activity
 - iii. Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex)
 - iv. Engaging in voyeurism
 - v. Knowingly transmitting an STI or HIV to another student
10. Lewd or obscene conduct
- a. Public urination
 - b. Sexual acts performed in public
 - c. Surreptitiously taking pictures and /or videos of another person in a gym, locker room, or restroom, residence halls, etc.
 - d. Streaking



- e. Possession or distribution of child pornography
 - f. Possession or distribution of any obscene materials, as defined by the standards of the Kean University community.
11. Failure to comply with directions of University officials or law-enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so
 12. Failure or refusal to produce a University identification card upon demand by a security officer or other official of the University acting on his/her official capacity or an officer of the law
 13. Smoking in any University building or areas designated as non smoking within three feet of an entrance/exit location.
 14. Inappropriate conduct

E. Responsibility

Kean University students are given and accept a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

1. Intentionally or carelessly causing a fire which damages Kean University or personal property or which causes injury to any member of the community;
2. Failure to follow fire safety procedures
 - a. Failure to evacuate a building when the fire alarm sounds
 - b. Misusing, damaging, or tampering with fire safety equipment
 - c. Intentionally or recklessly obstructing a fire exit in any Kean University building
3. Action or inaction by a student which fails to discourage a known and obvious violation of Kean University policy or law; assisting in violation of Kean University policies or public laws.
4. The knowing failure of any organized group to exercise preventive measures relative to violations of this Student Code of Conduct by members;
5. Use, possession, manufacture, sale, purchase, transportation, distribution, or being in the presence of alcoholic beverages except as expressly permitted by law and the University's Alcohol Policy. This includes possession/consumption by those under the age of 21, providing alcohol to those under the age of 21, driving under the influence, and public intoxication by persons of any age. For the purposes of the Code, distribution is determined by the quantity of alcohol and /or means of distribution. Please see the full policy on alcohol use in the Annual Campus Security and Fire Safety Report.
6. Use, possession, manufacture, sale, purchase, transportation, distribution, or being in the presence of a narcotic, or other controlled dangerous substances, as well as drug paraphernalia. Abuse,

misuse, or distribution of prescriptions medications, drugs or over-the-counter medications, except as expressly permitted by law. For the purposes of the Code, distribution is determined by the quantity of drugs, means, and materials for distribution. Please see the full policy on illicit drugs in the Annual Campus Security and Fire Safety Report.

7. Gambling, except as permitted by New Jersey law and/or regulation of Wenzhou and/or the People's Republic of China;
8. Operating a business. State property or facilities may not be used for personal profit, sale, and/or solicitation. Use of any facilities is prohibited unless participating in a University sanctioned event. This includes, but is not limited to, the commercialization of rooms, the use of any space for gambling, or to solicit students or patrons for private businesses.
9. Violation of any Kean University policy, rule, or regulation published in hard copy or available electronically on the Kean University website.
10. Any allegation of violation of federal, state, or local laws.

VII. Student Code of Conduct Process and Procedures

General Process

A complaint against a student for violations of the Code may be made in writing or in person by anyone who feels the Code has been violated. A complaint should be made as soon as possible following the incident. A Complaint Form is available in the Office of Community Standards and Student Conduct and on-line at www.kean.edu/offices/community-standards-student-conduct. The reporting party should include as much detail of the alleged violation as possible and to the degree possible include specific references to that part of the Code that pertains to the complaint.

A written complaint should include the reporting party's name, address and telephone number and as much information as is known about the person accused. If there are any witnesses, their names and addresses should also be provided if known; as much detail as possible should be provided. In exceptional circumstances, provisions may be made to protect the identity of reporters and/or witnesses upon request.

Initial Investigation

Upon receipt of a complaint or University police report, the conduct administrator of the Office of Community Standards and Student Conduct will inquire as to the circumstances surrounding the event in question to determine whether there are sufficient grounds to believe that a violation of the Code occurred.

1. The conduct administrator will schedule conferences and obtain a written statement from the reporting party, responding party, witnesses and/or other persons

directly involved in the incident.

2. Based upon the sufficiency of the complaint or report filed, the conduct administrator or designee may investigate the circumstances surrounding the incident in question and determine whether it warrants a Student Conduct Conference, a Student Conduct Hearing, or referral to the appropriate student conduct process within the University. If the director determines the complaint does not warrant further action, the matter will be closed. Such determinations are appropriate where the complained conduct does not violate the Code, and/or when there is insufficient evidence to support a reasonable belief that the Code has been violated.

3. **Interim Suspension**

Pending the completion of the conduct administrator's investigation and subsequent hearing process, the Vice President for Student Affairs, or designee, is authorized to place an accused student on interim suspension for reasons related to his or her physical or emotional safety and well-being, to protect the integrity of the investigation and/or for reasons relating to the safety and well-being of students, faculty, staff, or University property. In some cases, the accused student may be permitted to attend classes but be suspended from all other campus activities. This determination will be made by the Vice President based upon his/her knowledge of the potential threat posed by the accused student's presence on campus. Whenever such action is taken, a Student Conduct Hearing will be convened within ten (10) business days unless an extension is agreed upon. The Student Conduct Hearing process is outlined below. At the time of an interim suspension, a Temporary Campus-Wide Notice of No Trespass or Temporary Residence Life Notice of No Trespass may be issued. These documents identify campus locations and events as off limits to the accused student until further notice.

Subject to the availability of the accused student, the Vice President for Student Affairs or designee will conduct a Student Conduct Conference prior to imposing an interim suspension. If the student is not available, an interim suspension may be imposed until such time as the accused student becomes available. At the Student Conduct Conference, the accused student will be given the opportunity to demonstrate to the Vice President for Student Affairs or designee a compelling reason (e.g. mistaken identity) why he/she should not be interim suspended pending a Student Conduct Hearing.

4. **No-Contact Order**

The Vice President for Student Affairs may impose a limited or campus-wide No-Contact Order on an accused student when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining the expected behavior including face-to-face contact, correspondence, e-mail, instant message or telephone. Friends and relatives may also be prohibited from contact on behalf of the accused student.

Notification

1. If the conduct administrator of the Office of Community

Standards and Student Conduct or designee determines there is reasonable cause to believe that a violation of the Code has occurred, the accused student will be notified in writing through Kean University email, within ten (10) business days of receipt of the complaint. The notification time may be longer if necessary to complete the investigation.

2. This written notice will include:
 - a. The complaint identifying sections of the Code at issue;
 - b. A link to the website location of the Code and procedures applicable to the complaint;
 - c. A request that the accused student provide a written explanation of the incident (if no prior statement was obtained);
 - d. The date, time, and location of a Student Conduct Conference.
3. If the responding party fails to meet with the conduct administrator after being properly notified, the case will be decided on the basis of information gathered by the conduct administrator.

Student Conduct Conference

1. The conduct administrator of the Office of Community Standards and Student Conduct or designee will conduct a Student Conduct Conference with the responding party.
2. At the Student Conduct Conference the responding party will:
 - a. Be informed of the information provided to date by the reporting party and other persons;
 - b. Be given an opportunity to raise questions and discuss the information;
 - c. Be given the opportunity to admit the allegations and accept responsibility for the violation(s);
 - d. Be given the opportunity to deny the allegations;
 - e. Be informed of the process and possible remedies and sanctions that may result.
3. As a result of the Student Conduct Conference, the conduct administrator of the Office of Community Standards and Student Conduct or designee may:
 - a. Dismiss the complaint;
 - b. Refer the complaint to the Office of Counseling, Accessibility, Alcohol and Other Drug Services for appropriate follow up which may include mediation with the reporting party (not applied to sexual assaults or other acts of violence);
 - c. Refer the complaint to the appropriate administrative process within the University;
 - d. Resolve the complaint informally or impose a remedy and/or sanction that does not result in suspension or expulsion;

If the accused student does not agree with the

decision made at the Student Conduct Conference, the student has the right to appeal the decision to the next level administrator within (5) five business days of receipt of the decision letter. The appeal process will be given in writing at the time of the decision letter.

- e. Determine that a Student Conduct Hearing is appropriate.

Student Conduct Hearing

1. Notification of a Student Conduct Hearing will be provided by the Office of Community Standards and Student Conduct to the reporting party and the responding party by email to the student's official @kean.edu account. All such notice is presumptively delivered whether the student reads their mail/email or not, as all students are required to regularly check their email accounts. The notice will include:
 2. The name of the reporting party;
 3. The nature of the alleged violations, including the specific code sections alleged to have been violated, applicable conduct procedures and the sanctions that may result;
 4. The time and place of the hearing. All Student Conduct Hearings will be scheduled during regular business hours (9 a.m. – 5 p.m.);
 5. The right to have witnesses. The University may arrange for witnesses to be present or assign to the reporting party and the responding party the responsibility to contact his/her witnesses and arrange for their

participation. All student witnesses are asked to complete and sign a FERPA consent form. No less than 48 hours prior to the hearing, Both the reporting party and the responding party must provide a list of witness names and a statement of their witness' anticipated testimony; all witnesses must be confirmed by the Office of Community Standards and Student Conduct no later than 48 hours prior to the hearing.

6. The right to have an advisor. The advisor may not be a witness at the hearing or otherwise participate in the hearing;
7. The right to present relevant information;
8. The names of others who will be present at the hearing (if known), including the names of the hearing officers; and a copy of the procedure for challenging any of the hearing officers on the basis of partiality
9. Notice that a Document File compiled by the Office of Community Standards and Student Conduct with statements from the reporting party, responding party and witnesses and any other documentary information will be available to the responding party, the reporting party, and their advisors for review at least three (3) days prior to the Student Conduct Hearing. An appointment is required to review the Document File. Copies may be made available upon specific request.

Hearing Officers

Student Conduct Hearings for violations of the Code will be conducted by a trained member(s) of the University faculty, staff, or consultant designated by the Office of Community Standards and Student Conduct.

Conduct of the Hearing

The hearing will be closed to all members of the campus and outside community except those directly involved with the complaint. The reporting and responding party each have the right to be assisted by an advisor of their choice who is not a witness in the complaint. An advisor or legal counsel may be present to advise only and may not participate. Advisors who interfere with the proceedings can be excused by the hearing officer. An audio recording of the hearing is made and kept by the Office of Community Standards and Student Conduct.

Only persons involved in the hearing process will be permitted in the vicinity of the hearing.

It is expected that participants and advisors will respect the dignity and privacy of Kean community members and keep private that which transpires during the hearing, in accordance with federal law.

Student witnesses, when called by the University on behalf of the reporting party, the responding party, or the University, are required to participate in the hearing process.

The hearing process will be conducted in the following manner:

1. All participants and advisors will be introduced to the



- hearing officer.
2. All participants and advisors will be introduced to the audio technician.
 3. The hearing officer will recite the complaint against the student and all Code sections alleged to have been violated.
 4. The responding party will state whether he/she is responsible, not responsible, or responsible with an explanation for the alleged misconduct. Responsible with an explanation means the student admits to the actions but believes there were circumstances that should be taken into consideration by the hearing officer in the determination of this complaint.
 5. Statements regarding their respective positions may be given by the reporting party and the responding party. The Hearing Officer may place reasonable time limitations on the statements.
 6. The University reserves the right to assign a representative of the Office of Community Standards and Student Conduct to present the complaint.
 7. Relevant records, documents, and written statements may be accepted and considered by the hearing officer.
 8. The reporting and responding party may be present throughout the entirety of the proceeding except for the deliberation phase. The reporting party, the responding party and the Office of Community Standards and Student Conduct representative will be able to present witnesses who will be subject to questioning. Witnesses will be asked to remain until the end of the hearing in the event they must be called back for clarification of their testimony. In the event that a witness is unavailable, a signed statement from the witness may be admitted. Any such statements will be shared with the parties prior to the hearing, and the responding party will be given full opportunity to respond to the written statement at the hearing.
 9. Witnesses will appear separately and will leave the hearing room after their testimony is completed. Witnesses are not permitted to leave the vicinity of the hearing room until permission has been granted by the hearing officer, and witnesses are instructed not to communicate with other witnesses outside the hearing during the proceedings.
 10. All parties may question each other and the witnesses, and the hearing officer may direct questions as appropriate to any participant, or require that all questions go through the hearing officer. Other accommodations may be utilized to ensure that the hearing is a safe space for participants. The reporting and responding party may present concluding remarks. The Hearing Officer may place reasonable time limitations on the statements.
 11. At the conclusion of the hearing, the hearing officer will advise the reporting and responding party that his/her determination will be given, in writing, to the appropriate parties.
 12. The responding party's prior student conduct record will be a factor in determining the appropriate sanction(s).
 13. The reporting party will not be notified of the outcome of the hearing EXCEPT in cases of violence, sexual misconduct, or offense that fall under Title IX, once the decision of the hearing officer has been issued.
 14. For each separate offense, the hearing officer will determine whether the responding party is responsible or not responsible. The decision will be based upon an evaluation of the information presented and a determination as to whether the Code was more likely than not to have been violated. For each violation, the hearing officer will impose an appropriate remedy and/or sanction.
 15. The rules of evidence applicable to the courts do not apply to Code proceedings of this University community. Fair process applicable to this process is as defined in these procedures.
 16. The Director of Community Standards and Student Conduct or designee may implement changes to these proceedings as needed that do not jeopardize the material fairness owed to the parties to any complaint.

Remedies and Sanctions

- A. The following remedies and sanctions may be imposed when responding parties have been found responsible for violation of the Code. In addition, other remedies and sanctions may be fashioned at the discretion of the hearing officer:
 1. Written Warning to the offender that the conduct must stop and any continuation may be a basis for more severe action.
 2. Letter of Reprimand.
 3. Probation – Notice that further violation of the Code may result in expulsion. Also, the decision may place some additional restrictions on membership in student organizations and/or participation in activities or may establish special restitution and service requirements.
 4. Suspension:
 - a. Specific Period – Revocation of the privilege of attending the University and using its facilities for a specific period not to exceed two academic years.
 - b. Indefinite Period – Revocation of the privilege of attending the University and using the facilities pending the satisfying of specific conditions. The Vice President for Student Affairs will determine whether the conditions have been satisfied.
 5. Residence Hall Suspension - Revocation or restriction of privileges for the use of, access to, and/or residence in University Residence Halls
 6. Facilities Restriction -- Revocation or restriction of privileges for the use of some but not all University facilities
 7. Expulsion – Permanent termination of student status and rights to be present on University property and attend/participate in University-sponsored events

8. Referral to civil or criminal authorities

Any of the following may accompany a remedy and sanction:

9. Restitution requiring individuals to restore or replace within a specified time, property which has been damaged, defaced, lost, or stolen.
 10. Service assignment requiring an individual to perform services for the community or the University
 11. Referral to appropriate psychological or psychiatric service for evaluation, mandated assessment, or other special help.
 12. Fines for drug and alcohol violations as outlined in the Annual Campus Security and Fire Safety Report at www.kean.edu/annual-campus-security-and-fire-safety-report.
 13. A Campus-Wide Notice of No Trespass will accompany a sanction of suspension or expulsion from the University.
 14. A Residence Life Notice of No Trespass will accompany any restriction imposed or related to residential living or visitation of the residence halls.
 15. Campus-Wide No Contact Order: The Vice President of Student Affairs may impose a Campus Wide No-Contact Order between parties when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the Campus-Wide No-Contact Order outlining to all parties the expected behavior including face to face contact, correspondence, e-mail, instant message or telephone. Friends and relatives are also not permitted to have any contact on behalf of either party.
- B. Underage students found in violation of the University's Alcohol Policy and/or sanctioned for the possession or distribution of illegal drugs will be subject to the University parental notification policy. (See FERPA Policies and Procedures in the Annual Campus Security and Fire Safety Report). In addition, Kean University reserves the right, in accordance with FERPA, to make public notification of the final results of certain student conduct actions (See FERPA Policy in the Annual Campus Security and Fire Safety Report). Such notification may include the name of the student offender and the type of violation, but will not disclose the names of any other students who were involved as reporting parties or witnesses without their consent.

Appeal Procedures

- A. Where an individual is found responsible for a violation of the Code that may lead to a sanction less serious than suspension or expulsion, the individual can appeal in writing to the Review Committee for Appeals within five (5) business days from the date of the hearing officer's determination. A person will have the right to request a review based on any of the following grounds:
1. A sanction that falls outside the sanction range commonly assigned for the offense
 2. A material deviation from written procedures that

jeopardized the fairness of the process

3. A demonstrable bias by the hearing officer
 4. New information, unavailable at the time of the hearing, that could be outcome determinative
- B. In the case of suspension or expulsion, the student can appeal in writing to the Vice President for Student Affairs within three (3) business days of the receipt of the hearing officer's determination.
- C. In the case of suspension or expulsion, the student will not be permitted to be on campus or attend classes pending the outcome of the appeal unless implementation of the sanction is delayed by the Vice President for Student Affairs due to extraordinary circumstances.

The Review Committee for Appeals

The Review Committee for Appeals is a body consisting of trained staff and students whose role is to review all student conduct conference appeals. The Office of Community Standards and Student Conduct will submit the appeal to the Review Committee within ten business days of receipt. Appeals to the Review Committee will be limited to information presented during the meeting with the conduct administrator and supporting documents provided by the respondent and the conduct administrator. If new information, which was reasonably not available at the time of the original decision, is presented, the Review Committee may send the case back to the conduct administrator for further evaluation.

The Review Committee is composed of one student and two hearing officers. The Committee will review the written challenge and, based on a preponderance of the evidence standard, determine whether or not the student should be granted an appeal. If Committee determines that an appeal is not granted, the decision of the conduct administrator will go into effect and the student will have no further appeal opportunities. The Review Committee's decision not to grant an appeal is final.

If the Committee determines that an appeal should take place, the case will be forwarded to the next level administrator for review. The Review Committee will convene weekly and all proceedings are closed to the public.

Appeal of Suspension/Expulsion to the Vice President for Student Affairs

The request for review of an appeal will be considered by the Vice President for Student Affairs to determine whether grounds for an appeal exist. A person will have the right to request an appeal based on any of the following grounds:

1. A sanction that falls outside the sanction range commonly assigned for the offense
2. A material deviation from written procedures that jeopardized the fairness of the process
3. A demonstrable bias by the hearing officer

4. New information, unavailable at the time of the hearing, that could be outcome determinative

Request for Appeal to the Vice President for Student Affairs

1. The Vice President for Student Affairs or designee will review the written request for an appeal to determine whether there is sufficient basis to grant an appeal. If so, he/she will proceed to hear the appeal, or return the complaint to the original hearing body for reconsideration or rehearing in light of the basis for the appeal.
2. If the Vice President for Student Affairs determines that there is not a sufficient basis to change the decision of

the hearing officer, the parties to the complaint will be notified in writing.

3. Appeals are deferential to the original hearing decision, and are not intended as a rehearing. If the Vice President for Student Affairs hears the appeal, he/she may determine that there is a sufficient basis to change the decision of the hearing officer if there is clear error or compelling justification only. If so, he/she may reverse, uphold or modify the decision, or change the sanction. Normally, appeals involve a review of the hearing record and appeal request.
4. The decision of the Vice President for Student Affairs will be final within the University Student Conduct structure.

*Policy updated September 2017

Policy and Procedures for Addressing Disruptive Behavior

University-Initiated Withdrawal

The following model policy is adapted from policies at a variety of schools, including the University of Iowa and Loras College which are in turn adaptations of a model policy developed by Gary Pavela, J.D., of the University of Maryland (*19 Pavela, Gary (1985). The Dismissal of Students With Mental Disorders: Legal Issues, Policy Considerations Alternate Responses. College Administration Publications, Inc.: Asheville, N.C.*).

The following model policy was also modified for Kean University by the National Center for Higher Education Risk Management (NCHERM).

If a student is behaving in a way which is threatening to the student or others, or which significantly interferes with the student's education or the rights of others, the Vice President for Student Affairs may initiate these procedures. The Vice President for Student Affairs is empowered with the discretion to define within his/her professional judgment what is sufficiently threatening and/or disruptive to warrant invoking this procedure.

The first step will be to determine an appropriate initial action. The primary alternatives for initial action are as follows, but these do not preclude other actions based on a specific situation.

- ▶ Continue at the University with no restrictions. The University may take no action if it has decided, based on review of the referral information or other information presented, that the student may be allowed to continue with no restrictions. In those cases, care should be taken to provide opportunities for the student to be advised of accommodations and supportive services

that are available. In cases where there are conduct actions pending, those actions should go forward.

- ▶ Continue in University pending further proceedings. The University may require that student meet certain conditions regarding the student's behavior over a specified period of time if he/she is to remain enrolled. Such conditions here would include, for example, stopping classroom disruptiveness, or continuing only if the student avails him or herself of supportive services or accommodation arrangements. Failure to comply with the conditions, coupled with further disruptive behavior, may result in having additional conduct complaints added to any that were previously pending or deferred. At no point will the University engage in a behavioral contract or agreement with a student whose behaviors indicate harm or danger to any member of the community.
- ▶ Remaining enrolled at the University subject to conditions but with eligibility for University-owned residential agreement reviewed. Under certain circumstances, where other students' living and learning environment is very likely to be disrupted by a student's behavior, the Director of Residence Life will have the option of allocating alternative and more suitable living accommodations if such are available, or of terminating the accommodation agreement.
- ▶ Suspension of studies and/or separation from campus. If there is a pervasive pattern of disruptive or threatening behavior, or behaviors that are assaultive, suicidal, self-injurious or self-neglectful which present an imminent risk of injury to the student or others, the student may be suspended from studies and/or ordered off campus. In those situations, an interim

Basis for Interim or Permanent Involuntary Medical Withdrawal

The University may withdraw a student if it is determined, by a preponderance of the evidence (that is more likely than not) that the student is engaging in or likely to engage in behavior which poses a substantial danger of causing imminent harm to the student, to others or to substantial property rights, or which renders the student unable to engage in basic required activities necessary to obtain an education, or that substantially impedes the lawful activities of others.

Standard for Addressing Potentially Suicidal Students

When suicidality is at issue (or any issue for which a student with a disability is facing separation from housing or the University), the objective of the hearing is to determine whether a student is a direct threat. A direct threat will exist when a student poses a significant risk to the health or safety of themselves or others. A significant risk constitutes a high probability of substantial harm, based on a timely, reasonable medical judgment. Significance will be determined by:

- ▶ The nature, duration and severity of the risk;
- ▶ The probability that the potentially threatening injury will actually occur;
- ▶ and, whether reasonable accommodations to policies, practices or procedures will sufficiently mitigate the risk.

Status of Conduct Proceedings

If the student has been accused of a violation of the Conduct Code, but it appears that the student is not capable of understanding the nature of the wrongfulness of the action, this medical withdrawal policy may be activated prior to issuance of a determination in the conduct process.

Students subject to conduct proceedings who wish to introduce relevant evidence of such lack of capacity must so inform the Hearing Officer in writing at least two business days prior to any conduct hearing. If the Hearing Officer determines that the evidence may have merit, the conduct complaint will be held in abeyance and procedures will be initiated to investigate resolution of the matter in accordance with this proposed policy and procedures.

If the student is ordered to be medically withdrawn from the University, or another action is taken under these provisions following a finding that the student's behavior was the result of a lack of capacity, such action terminates the pending conduct action. If the student is found not to be subject to medical withdrawal or other action under this section, conduct proceedings may be reinstated.

Referral for Evaluation

The Vice President for Student Affairs may refer a student for evaluation by an independent licensed psychiatrist or psychologist chosen by the institution if it is believed that the student may meet the criteria set forth in this policy or if a student subject to conduct proceedings provides notification that information concerning a mental disorder will be introduced.

Students referred for evaluation will be so informed in writing with personal and/or certified delivery, and will be given a copy of these standards and procedures. The evaluation, conducted at University expense, must be completed within five business days from the date of the referral letter, unless an extension is granted by the Office of the Vice President for Student Affairs. A student who fails to complete the evaluation in accordance with these standards and procedures and give permission for the results to be shared with appropriate administrators may be withdrawn on an interim basis, or referred for conduct action, or both.

Interim Action

The Vice President for Student Affairs may order interim medical suspension of a student where it is reasonable to believe that a substantial threat of harm to self or others exists. Students suspended under this provision will be notified by personal delivery, and will also be given a copy of these standards and procedures. The student will be given the option of appearing before the Vice President for Student Affairs (or designee) within 48 hours of the order for interim medical suspension to discuss only the following:

- ▶ the reliability of the information concerning the student's behavior;
- ▶ whether the student's behavior poses a danger of causing substantial, serious harm to the student or others, causing property damage, or directly impeding the lawful activities of others;
- ▶ whether the student has completed an evaluation, in accordance with the standards and procedures.

The sole decisions to be made at the hearing or whether interim medical suspension should be continued or modified, and whether medical withdrawal should remain in consideration.

Involuntary Medical Withdrawal

If the medical evaluation supports medical withdrawal, a hearing will be scheduled before the Hearing Officer and the director of the health center. The student will be informed, in writing with certified delivery of the time, date and place, and will be given at least two business days to independently review the psychological or psychiatric evaluation prior to the hearing. In addition, the student will be notified of who is expected to present information at the hearing, and is expected to notify the Hearing Officer in advance of any witnesses the student expects to bring.

If the evaluation does not support medical withdrawal, the student will be notified. If other action is pending, the appropriate individuals will be notified and will proceed with their actions.

The student and the student's representatives may present information for or against involuntary Medical Withdrawal and will be given the opportunity to ask questions of others presenting information. The hearing will be conversational and non-adversarial; however the Hearing Officer in charge of the hearing will exercise active control over the proceeding, to include deciding who may present information. Formal rules of evidence will not apply. Anyone who disrupts the hearing may be excluded.

A written decision will be rendered by the committee within two business days, stating the reasons for its determination. The decision will be delivered to the student by certified means. If the student is withdrawn, the notification will include information concerning when reapplication may be made, as well as specifying any conditions of reinstatement. The decision of the Hearing Officer is subject to appeal to the Vice President for Student Affairs. The decision is based upon the preponderance of the evidence.

A written and taped record of the proceeding will be kept and a copy made available to the student.

A student seeking readmission who has been medically withdrawn must request reinstatement, and may not reenter

the University without providing competent medical evidence that the medical condition no longer exists, or is sufficiently under treatment so as to remove any substantial likelihood of reoccurrence of the situation which caused medical withdrawal. The University may require the student, at the student's cost, to undergo a medical evaluation by a licensed mental health professional of the university's choosing. The results of such evaluation must be disclosed to appropriate University personnel. A student who is permanently withdrawn is not eligible for reinstatement or readmission.

A medical withdrawal is not considered a conduct action, though a prior medical withdrawal may be considered in subsequent conduct hearings involving the student.

SUPPORT AT HEARINGS

The student subject to either an Interim Suspension Hearing or an Involuntary Medical Withdrawal hearing may be assisted in the hearing by a family member and/or a licensed psychologist or psychiatrist, or in lieu of a licensed psychologist or psychiatrist, by a member of the faculty or staff of the University or other support person at the discretion of the Hearing Officer. The student may be accompanied by legal counsel, although that counsel may only provide legal advice to the student, and may not address the panel. The student will be expected to speak for him or herself whenever possible.

Access To Educational Records - Confidentiality of Student Records (FERPA Policy)

The Family Educational Rights and Privacy Act (FERPA) grants students certain rights, privileges, and protections relative to individually identifiable student education records maintained by Kean University.

Definition of a Student

When a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student. If a student is attending a postsecondary institution - at any age - the rights under FERPA have transferred to the student. However, in a situation where a student is enrolled in both a high school and a postsecondary institution, the two schools may exchange information on that student. If the student is under 18, the parents still retain the rights under FERPA at the high school and may inspect and review any records sent by the postsecondary institution to the high school. Additionally, the postsecondary institution may disclose personally identifiable information from the student's education records to the parents, without the consent of the eligible student, if the student is a dependent for tax purposes under the IRS rules.



Annual Notification

Students are notified of their FERPA rights at least once each year by email, by publication in the University Catalog and on the University's website. This notification permits the release of directory information (see below) without prior written consent of the student. Such notification provides only that directory information may be released; Kean University is not obligated by this law to release directory information to any party other than the student.

Definition of Education Records

Education records are those which contain information directly related to the student. Records originating at another institution are also subject to this provision. Education records include, but are not limited to, records from admission, academic progress (from academic departments as well as those maintained centrally such as in the office of the registrar), health, financial aid and student accounting, teacher education, career placement, course records, disciplinary proceedings, and similar records.

Exclusions from Education Records

The following are excluded from the definition of education records:

- ▶ Records or notes of instructional and administrative personnel which are in the sole possession of the individual.
- ▶ Faculty notes or progress records in a class unless that information already exists in the form of an education record.
- ▶ Grades of peer-graded papers before recorded by faculty member.
- ▶ Information maintained by a physician, psychiatrist, psychologist, or paraprofessional used in connection with the provision of treatment.
- ▶ Safety, security, and law enforcement records created or maintained by the Kean University Department of Public Safety (University Police).
- ▶ Alumni records that are not related to the individual's attendance as a student.
- ▶ Materials or records in any admissions files, until the student has been admitted to and has attended the Kean school or college for which the materials were submitted.
- ▶ Financial information submitted by parents.
- ▶ Confidential letters or recommendations placed in the file prior to January 1, 1975.
- ▶ Confidential letters or recommendations to which the student has waived rights of inspection.
- ▶ Employment records of any individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment.

Right to Inspect Education Records

Students have the right to inspect and review their education records within 45 days of the day the University receives a request for access.

When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

Students wishing to review their record should submit to the University Registrar a written request that identifies the record(s) they wish to inspect. The University Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the University Registrar, he or she shall advise the student of the correct official to whom the request should be addressed.

Copies

The University provides on-campus access to student records. Other than transcripts, The University will not ordinarily provide copies unless inability to obtain copies would effectively prevent the student from exercising his or her right to inspect and review the education record. In cases where copies are provided, the department or office maintaining the record may impose a copying fee of \$0.50 per page for making such copies.

The University reserves the right to deny copies of records, including transcripts, in the following situations:

- ▶ The student has an unpaid financial obligation to the University.
- ▶ There is an unresolved disciplinary action against the student.
- ▶ The education record requested is an exam or set of standardized test questions. (An exam or standardized test which is not directly related to a student is not an education record subject to FERPA's access provisions.)

Right to Seek Amendment

Students have the right to request the amendment of their education records to ensure they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights. The substantive judgment of a faculty member about a student's work, expressed in grades or other evaluations, is not within the scope of this right to challenge information.

Students who believe their record is inaccurate or misleading may request that the University amend the record by writing to the University official responsible for the record. The request should clearly identify the part of the record to be changed and specify why it is inaccurate or misleading. If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment.

The hearing must be held within three weeks of the request

and the student notified of the time, date, and place in advance of the hearing.

The hearing will be conducted by a hearing officer who is a disinterested party. He or she may, however, be an official of the University. The student will be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend his or her records. The student may be represented by an individual of his or her choosing, including an attorney (at the student's expense).

Within two weeks of the conclusion of the hearing, the hearing officer will prepare a written decision based solely on evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

If it is decided that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, the University will notify the student that he or she has a right to place in the record a statement commenting on the challenged information and setting forth reasons for disagreeing with the decision. This statement will be maintained as part of the student's education record as long as the contested portion is maintained. If the University discloses the contested portion of the record, it must also disclose the statement.

Disclosure of Personally Identifiable Information

Students have the right to consent to disclosure of personally identifiable information contained in their education records, except that information which FERPA authorizes disclosure without consent (a representative list of exceptions appears below).

The University may disclose education records without written consent of students:

- ▶ To school officials with legitimate educational interest, defined as those employees with general or specific responsibility for promoting the educational objectives of the University. This includes individuals within the institution involved in teaching, research, and related activities such as academic advising, counseling, academic support, supervision of co-curricular activities, official University committees or clubs, financial assistance, medical services, and job placement.

A school official is a person employed by Kean University in administrative, supervisory, academic, research, or support staff positions. This includes members of the Board of Trustees, and persons employed by or under contract with the University to perform special tasks, such as an attorney or auditor, and an agency or institution that provides institutional services or functions. It may also include other students serving on official committees, such as disciplinary or grievance committees, or assisting another school official in performing his or her tasks.

University officials have legitimate educational interest if they

are performing:

- ▶ a task that is specified in their job description;
- ▶ a task related to a student's education, including registration and grading, and the charging of tuition and fees and billing-related functions;
- ▶ a task related to the discipline of a student; or
- ▶ a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid, or other assistance.

Clerical personnel employed to assist university officials in their job performance also may be granted access to student records. Access by all personnel is restricted to that part of the student record necessary for the discharge of assigned duties. The University may grant access as follows:

- ▶ To officials at schools, colleges, or universities participating in cross-enrollment programs for the purposes stated in the bullet above. Kean University currently exchanges academic information with students cross-enrolled at Rutgers University; if other institutions are added, this arrangement will be automatically extended to include them.
- ▶ To secondary institutions whose students are enrolling in Kean classes (whether such classes be on the high school campus, the University's campus, or elsewhere).
- ▶ To officials of other colleges or universities in which the student has applied to or seeks to enroll. When Kean University deems it appropriate, Kean may also send corrected or additional records if education records have previously been sent to another institution.
- ▶ To accrediting organizations approved by the University carrying out their accrediting functions.
- ▶ To certain officials of the U.S. Department of Education, the Comptroller General, and federal, state, and local educational authorities in connection with certain state or federally supported education programs.
- ▶ To any agency in connection with a student's request for or receipt of financial aid, as necessary to determine eligibility, amount or conditions of the aid, or to enforce the terms and conditions of the aid and to organizations conducting studies approved by the University having educational value or concerning financial aid.
- ▶ If required by a state law requiring disclosure that was adopted before November 19, 1974.
- ▶ To parents of an eligible student who claim the student as a dependent for income tax purposes.
- ▶ To educational agencies conducting research or for the development of predictive tests. Information may also be released to organizations conducting certain studies on behalf of the University. In these cases, the information may not be used in any way that permits identification of an individual student.
- ▶ To persons in compliance with a judicial order or a lawfully issued subpoena, with a notice of the disclosure being sent to the last known address of the student.
- ▶ To persons in an emergency if, in the judgment of an official in charge of the records, knowledge of the information is necessary to protect the health or safety of the student or another person.

- ▶ To the victim of a crime of violence or a non-forcible sex offense, but only the final outcomes of the disciplinary proceeding conducted by Kean University.
- ▶ To a parent regarding the student's violation of policies governing the use or possession of alcohol or controlled substances. (See Parental Notification in the Student Code of Conduct and also Drug and Alcohol Policy.)
- ▶ To any person, agency, or public as required by local, state, or federal laws. Examples of such laws include the Violent Crime Control and Law Enforcement Act, SEVIS/INS compliance (Department of Homeland Security), Megan's Law, the Solomon Amendment, and NCES/IPEDS Student Right-to-Know.
- ▶ To persons requesting directory information as designated by Kean University and discussed below.

Students' names and Kean email addresses will be available to faculty, staff, and other students on the University's computer network, including the email server and the learning management system.

Kean will maintain a record of all requests for and/or disclosure of information to outside agencies from a student's education record. The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest the party has in requesting or obtaining the information. This record may be reviewed by the student.

Directory Information

Student directory information may be released without the student's prior consent. Kean defines the following as directory information:

- ▶ student's name.
- ▶ student's identification number (but not password).
- ▶ photographs, videos, or electronic images.
- ▶ programs of study, including colleges of enrollment, majors, minors, collaterals, concentrations, etc., associated with each.
- ▶ level (undergraduate/graduate) and class year (freshman, sophomore, junior, senior, graduate, etc.).
- ▶ student's enrollment load (full-time/part-time/withdrawn) and dates of attendance.
- ▶ matriculation status and date.
- ▶ honors and awards, including dean's list and graduation honors.
- ▶ titles of theses and dissertations.
- ▶ degrees received (including date of award).
- ▶ previous institutions attended.
- ▶ participation in clubs, sports, or student activities, including position(s) held.
- ▶ height and weight of members of athletic teams.

Contact information will be shared only with designated vendors providing the following external services to graduating students: information about purchasing class rings, yearbooks, commencement photos, cap and gown regalia, and processional cards. The names of students on a dean's list may be published in the student's local newspaper.

It is the practice of the University to not release a student's age or date of birth except as required by law or as a validation of positive identification of a student when furnished by a person making an inquiry.

To withhold directory information, students must make a formal request by submitting a signed, dated letter to the Office of the Registrar by the end of the second week of the semester. Students are advised that withholding information may carry certain consequences. For example, as long as a nondisclosure order is in effect, the student's name will not appear in commencement programs and the student's degree will not be verified to potential employers. Kean University assumes no liability for honoring the student's instructions to withhold information.

Right to File a Complaint

Students have the right to file with the U.S. Department of Education a complaint concerning alleged failure by the University to comply with FERPA to:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Additional Resources

For additional information, contact the University Registrar.



Kean University Hazing Policy

Hazing, or any activity that subjects a student to harassment, intimidation, physical exhaustion or mental distress, is entirely contrary to the Kean University Student Code of Conduct. University policy and state law forbid hazing by fraternities and sororities, athletes, individuals, or any other Kean University recognized student group.

Hazing is defined as any activity that endangers the physical safety of another person; or produces mental or physical discomfort; causes embarrassment, fright, humiliation or ridicule; or degrades the individual. Any organization suspected of hazing will be investigated and subject to judicial (refer to Student Code of Conduct in this publication) and criminal action.

Kean University complies with New Jersey State Law prohibiting hazing.

New Jersey State Criminal Statute

2C: 40 - 3 Hazing

A person is guilty of hazing, a disorderly person's offense, if in connection with initiation of applicants to members of a student or fraternal organization, he/she knowingly or recklessly organizes, promotes, facilitates or engages in any conduct, other than competitive athletic events, which places or may place another person in danger of bodily injury.

A person is guilty of aggravated hazing, a crime of the fourth degree, if he/she commits an act prohibited in subsection a, which results in serious bodily injury to another person.

2C: 40 - 4 Consent

Notwithstanding any other provision of Title 2C of the New Jersey Statutes to the contrary, consent shall not be applicable as a defense to a prosecution under this Act. (Added by L. 1980, chap. 169 (2); eff. 12/18/80).

2C: 40 - 5 Prosecution

Conduct constituting an offense under this Act may, at the discretion of the prosecuting attorney, be prosecuted under any other applicable provision of the Title 2C of the New Jersey Statutes. (Added by L.1980, chap. 169 (3); eff. 12/18/80.)

*(Added by L. 1980, chpt. 169 (1); eff. 12/18/80.) (rev. '84) 141-a)

Hazing includes, but is not limited to:



- ▶ Actions that recklessly or intentionally endanger the physical and mental health or safety of students;
- ▶ Forced or required consumption of any food, liquor, drugs or any other substance;
- ▶ Forced or required participation in physical activities, such as calisthenics, exercises or so-called games;
- ▶ Exposure to extreme weather conditions (i.e., snow, heat, rain, etc.);
- ▶ Excessive fatigue resulting from sleep deprivation, physical activities or exercises;
- ▶ Assignment of activities that would be illegal or unlawful, or might be morally offensive to individual new members;
- ▶ Physical brutality, including paddling; striking with fists, open hands or objects; and branding;
- ▶ Kidnapping, unauthorized road trips, transporting a person against his/her will or stranding of individuals;
- ▶ Verbal abuse, including "line-ups" and berating of individuals;
- ▶ Forced or required conduct that could embarrass or adversely affect the dignity of the individual, including the wearing of apparel that is conspicuous or extraordinary, and the performance of public activities;
- ▶ The intentional creation of clean-up work or labor for new members by active members or alumni;
- ▶ Denial of sufficient time to study;
- ▶ Nudity or lewd behavior;
- ▶ Walking on line;
- ▶ Wearing of uniforms;

(adapted from the NASPA Journal, vol. 24, no. 4, spring 1987, in "Putting an End to Fraternity Hazing")

Members of the University community who are made aware of an alleged hazing incident, who witness a hazing incident, or who wish to make a claim of alleged hazing should contact the Office of the Vice President for Student Affairs, Miron Student Center, Room 303, (908) 737-5260; FAX (908) 737-7085.

Policy on Harassment, Intimidation and Bullying

Minimum Sanction: Probation; Maximum Sanction: Expulsion

Students are prohibited from engaging in harassment, intimidation or bullying. A student will be found responsible for harassment, intimidation or bullying if he or she engages in conduct, including any gesture, written, verbal or physical act, or any electronic communication (which includes e-mails, text messages, and Internet postings on web-sites or other social media), whether it be a single incident or series of incidents, that occurs on the University's campus, through use of University facilities, or at any function sponsored by the University or any University-related organization, on or off-campus; that is so severe or pervasive and objectively offensive that it substantially disrupts or interferes with the orderly operation of the University or the rights of any student or other member of the University community; and that:

- A. involves intimidation or threats to another person's safety, rights of personal privacy and property, academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University; or
- B. a reasonable person should know, under the circumstances, will have the effect of insulting or demeaning any student or group of students; or
- C. creates an intimidating or hostile environment by substantially interfering with a student's education, or by materially impairing the academic pursuits, employment or participation of any person or group in the University community, or by severely or pervasively causing

physical or emotional harm to the student or other member of the University community; or

- D. a reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or other person or damaging the person's property or placing him/her in reasonable fear of physical or emotional harm to his/her person, or to any member of that person's family or household, or of damage to his/her property

1. Discriminatory Harassment, Intimidation or Bullying

A student will be found responsible for discriminatory harassment, intimidation or bullying who engages in conduct described above as "harassment, intimidation, or bullying" which the student directs at a specific group or individual, based upon race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression, or any other characteristic protected from discrimination by the New Jersey Law Against Discrimination, NJSA 10:5-4.

2. Sexual Harassment

A student will be found responsible for discriminatory harassment who engages in conduct described above as "harassment, intimidation or bullying" which the student directs at a specific individual based on sex, or which would not have occurred but for the individual's gender, or gender identification, which conduct is unwelcome and substantially interferes with work, educational performance or equal access to the University's resources and opportunities. Sexual harassment is a violation of Kean University's Statement on Equal Opportunity, Affirmative Action, Sexual Harassment and Tolerance as well as Title IX of the Education Amendments of 1972, and Title VII of the Civil Rights Act of 1964 (as amended in 1991). Under certain circumstances, sexual harassment may constitute sexual assault or abuse. The University will fully comply with all relevant civil laws prohibiting sexual harassment and all criminal laws concerning sexual assault. New Jersey Criminal Code (NJSA2C:14-1-2 of the) defines sexual assault as sexual penetration meaning "vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or the insertion of a hand, finger or other object in the anus or vagina by either the actor or upon the actor's instruction. The depth of insertion shall not be relevant." Please see the University policy on sexual misconduct at www.kean.edu/policies/Sexual-Misconduct-Policy.



Computer Related Acceptable Use Policy

Preamble

Those who do not abide by the policies listed below should expect suspension of computer privileges and referral to the Committee of Discipline. Offenders may also be subject to criminal prosecution under federal and state law, and should expect the Office of Computer and Information Services (OCIS) to pursue such action. As an example, under New Jersey law: "A person is guilty of a crime of the third degree if he purposely and knowingly accesses and recklessly alters, damages, destroys or obtains any data, data base, computer, computer program, computer software, computer equipment, computer system or computer network [2C:20-26 para b.]."

The Office of Computer and Information Services should be notified about violations of computer laws and policies, as well as about potential loopholes in the security of its computer systems and networks. The user community is expected to cooperate with the Office of Computer and Information Services in its operation of computer systems and networks as well as in the investigation of misuse or abuse.

The computer resources and facilities of Kean University are solely for the use of Kean University (registered) students, faculty and staff.

Individuals using these computer systems without authority, or in excess of their authority, are subject to having all computer activities monitored and recorded by OCIS personnel.

In the course of monitoring individuals improperly using a computer system, or in the course of system maintenance, the activities of authorized users may also be monitored.

Anyone using any of the computer facilities at Kean University expressly consents to such monitoring and is advised that is such monitoring reveals possible evidence of criminal activity. OCIS personnel may provide the evidence of such monitoring to law enforcement officials. The legality of such monitoring is governed by 18 U.S.C. section 2510 et seq.

Policies

The Kean University policies on Computer and Information Resources include but are not limited to the list below:

1. You must not use a computer ID that was not assigned by the Kean Office of Computer and Information Services (OCIS). You may not try in any way to obtain a password for another's computer ID. You may not attempt to disguise the identity of the account or machine you are using.
2. You must not use the OCIS resources to gain unauthorized access to remoter computers. If you abuse the networks to which the University belongs

or the computers at other sites connected to those networks, the University will treat this matter as an abuse of your Kean University computing privileges.

3. You must not deliberately perform an act that will impact the operation of computer, terminals, peripherals or networks. This includes, but is not limited to, tampering with the components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines or interfering with the operation readiness of a computer.
4. You must not run or install on any University computer system or network, or give to another, a program which could result in the eventual damage to a file or computer system and/or the reproduction of itself. This is directed towards, but not limited to, the classes of programs known as computer viruses, Trojan horses and worms.
5. You must not attempt to circumvent data protection schemes or uncover security loopholes.
6. You must abide by the terms and conditions of all software licensing agreements and copyright laws.
7. You must not deliberately perform acts that are wasteful of computing resources. These acts include but are not limited to: sending mass mailings or chain letters, obtaining unnecessary output, creating unnecessary multiple jobs or processes, or creating unnecessary network traffic.
8. The following types of information or software cannot be placed on any system on or off campus:
 - That which infringes upon the rights of another person.





- ▶ That which is abusive, profane or sexually offensive to the average person.
 - ▶ That which consists of information which may injure someone else and/or lead to a lawsuit or criminal charges.
 - ▶ Examples of these are: pirated software, destructive software, pornographic materials or libelous statements.
 - ▶ That which consists of any advertisements for commercial enterprises.
9. You must not harass others by sending annoying, threatening, libelous, or sexually, racially or religiously offensive messages.
 10. You must not attempt to monitor another user's data communications, nor may you read, copy, change or delete another user's files or software, without the permission of the owner.
 11. You must not use any of the University's micro-computers, workstations or networks for other than a Kean University course, research project or

departmental activity. These resources must not be used for personal gain unless in support of Kean University research or a departmental project.

12. You must not use a computer account for work not specifically authorized for that account. A University-funded account may not be used by its requestor for personal financial gain.
13. You must not play games using any of the University's computers or networks, unless for instructional purposes specifically assigned by a professor.

Kean University is a member of JvNCnet. JvNCnet provides Kean University with computer data connectivity to other member organizations and the Internet.

Examples of using JvNCnet are: sending electronic mail to a site off-campus, ftp and telnet sessions which leave Kean University's computing facilities and connect to computing facilities at another site.

When such activities are engaged, the JvNCnet acceptable use policy must be adhered to.

JVNCNET Acceptable Use Policy

This statement represents a guide to the acceptable use of JvNCnet use. In those cases where data communications are carried across other regional networks or the Internet, JvNCnet users are advised that acceptable use policies of those other networks apply and may limit use.

JvNCnet member organizations are expected to inform their users of both the JvNCnet and the NSFNET acceptable use policies.

1. JvNCnet Primary Goals
 - 1.1. JvNCnet, the John von Neumann Computer Network, has been established to: 1) provide the highest quality and optimum access of networking services to the research and educational community of the United States and internationally, 2) offer network resources at the maximum level of cost-efficiency, and 3) promote and facilitate innovation and regional and national competitiveness. These

goals remain the standard for excellence in service and price and should not be compromised.

2. JvNCnet Acceptable Use Policy

- 2.1. All use of JvNCnet must be consistent with JvNCnet's primary goals.
- 2.2. It is not acceptable to use JvNCnet for illegal purposes.
- 2.3. It is not acceptable to use JvNCnet to transmit threatening, obscene or harassing materials.
- 2.4. It is not acceptable to use JvNCnet so as to interfere with or disrupt network users, services or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer worms and viruses, and using the network to make unauthorized entry to any other machine accessible via the network.

- 2.5. It is assumed that information and resources accessible via JvNCnet are private to the individuals and organizations which own or hold rights to those resources and information unless specifically stated otherwise by the owners or holders of rights. It is therefore not acceptable for an individual to use JvNCnet to access information or resources unless permission to do so has been granted by the owners or holders of rights to those resources or information.

3. Violation of Policy

- 3.1. JvNCnet will review alleged violations of Acceptable Use Policy on a case-by-case basis. Clear violations of policy which are not promptly remedied by the member organization may result in the termination of JvNCnet membership and network services to members.

Copyright Compliance and Electronic File Sharing of Media

Kean University Policy on Electronic File Sharing of Media

University computing resources are the property of Kean University, and are provided to current students, faculty, staff members, visitors, and agencies as a privilege rather than a right. Users must comply with all local, state and federal laws, including, but not limited to, laws regarding libel, harassment, privacy, copyright infringement, theft, and threats. All of Kean University's policies extend to computer use. All persons who use University computer resources have the responsibility to respect and follow the policies set below and to honor the ethical norms associated with the highest standards of professional conduct.

Downloading, copying and sharing material, such as music, movies, games, and applications, for which the copyright holder has not given permission is a violation of Federal copyright law (www.copyright.gov), the Digital Millennium Copyright Act (a federal law which protects the interests of copyright holders in regard to digital media as well as, the Kean University Acceptable Use Policy.

More recently the Federal government amended the Higher Education Opportunity Act of 2008 to explicitly outline the process colleges and universities must employ to combat the unauthorized use of copyrighted materials.

Higher Education Opportunity Act 2008

Effective July 1, 2010 all colleges and universities that receive Federal funding for Title IV Programs must be in

full compliance with the Higher Education Opportunity Act of 2008 (HEOA), Public Law 110-315, also referred to as H.R. 4137. HEOA requires colleges and universities to proceed as follows to combat the unauthorized distribution of copyrighted materials:

- ▶ Institutions must make an annual disclosure that informs students that the illegal distribution of copyrighted materials may subject them to criminal and civil penalties.
- ▶ Institutions certify to the Secretary of Education that they have developed plans to "effectively combat" the unauthorized distribution of copyrighted material.
- ▶ Institutions, "to the extent practicable," offer alternatives to illegal file sharing.
- ▶ Institutions identify procedures for periodically reviewing the effectiveness of the plans to combat the unauthorized distribution of copyrighted materials.

University Plan to Keep the Campus Informed and Prevent Electronic Copyright Infringement

Consistent with the University's academic principles and ethical practices, we view education as the most important element in combating illegal sharing of copyrighted materials. Therefore, in order to use University computing resources, all members of the Kean University community are advised of the Acceptable Computer Use Policy upon accessing the University network.

In addition the following strategies are in place:

- ▶ Effective fall 2010, posters will be mounted in student life areas and various computer labs to discourage illegal file sharing;
- ▶ Computing support staffs, student Help Desk workers, Resident Assistants, and Academic Instructional Mentors, are regularly trained on the University's policies with respect to copyright issues. Student workers provide an important channel for communicating with the student community;
- ▶ Kean University's policies and procedures concerning the Digital Millennium Copyright Act and our response to infringement claims are published on the OCIS web site, and in The Guide.
- ▶ Each semester, all University employees will receive an email from the Office of Computer Information Services (OCIS) regarding copyright infringement and related issues, effective July 1, 2010.
- ▶ The 2011 Orientation issue of The Cougars Byte newsletter will include an article outlining the University's policy concerning illegal downloading of copyrighted materials.
- ▶ A paper copy of the Kean University Policy on Electronic File Sharing of Media will be supplied upon request by contacting the Office of the Vice President for Student Affairs, Miron Student Center, room 303, or by calling (908) 737-5260.

Criminal Penalties and University Sanctions for Illegal File Sharing

Federal Copyright Law www.copyright.gov, specifies that the reproduction or distribution of copyrighted work is illegal and the following penalties apply:

Civil and Criminal Penalties for Violation of Federal Copyright Laws

In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or "statutory" damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For "willful" infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys' fees. For details, see title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense.

University Procedures and Sanctions for Illegal File Sharing

The Office of Computer Information Services (OCIS) will disable computer network access if a computer appears to be connecting to multiple other computers or exhibiting other properties that violate the University's network usage policy. When a port is disabled, the registered owner of that

computer will be notified that the computer could potentially be compromised, and will be offered contact information to assist in cleaning/repairing the software on that computer. Once the problem has been rectified, the computer will be allowed back on the network. Kean University does not support or tolerate in any way the illegal and/or unauthorized downloading or sharing of copyrighted material and this is an explicit violation of University policy and United States copyright laws.

When notifications of copyright violations are received from recognized groups, such as the Recording Industry Association of America (RIAA), the registered owner of the computer will be notified. Access to the network will be removed for 14 days. After 14 days, if the offending material has been removed, the computer will be allowed back on the network. The appeal process is through the Office of the Vice President for Student Affairs.

A second violation will result in the computer being banned from the network for one month. After one month, if the offending material has been removed, the computer will be allowed back on the network.

A third violation will result in the computer being banned for a semester. In addition, the user will be required to meet with the Office of Community Standards and Student Conduct and further disciplinary action may be taken against the user at that time (www.kean.edu/offices/community-standards-student-conduct).

Action by Kean University may be in addition to civil and criminal enforcement actions taken independently.

OCIS Monitoring and Technology-Based Deterrents

In order to monitor against misuse of the network, Kean University is utilizing a packet shaper to all but eliminate P2P access from on campus. This plan is reviewed on an annual basis. The plan will continue to be considered successful as long as the University is not receiving "Notice of Claimed Infringement" by a copyright holder.

Frequently Asked Questions

Q: What Is Copyrighted Material?

Copyrighted material that is illegally distributed over the Internet can take many forms including, but not limited to, the following:

- ▶ **Music:** may take the form of MP3s or WAV files either ripped (or copied) from CDs or downloaded and redistributed without permission.
- ▶ **Movies or Television Shows** which have been recorded and digitized ripped (or copied) from DVDs, DVRs or TV Cards.
- ▶ **Written works:** may take the form of eBooks, PDFs, or HTML pages distributed without permission.

- ▶ **Photographs:** includes graphics copied from other web sites.
- ▶ **Software:** includes software applications such as games, operating systems, applications that were not purchased by you and have no valid license.

Q: How are Copyrighted Material Distributed Illegally?

Copyrighted material is illegally distributed over the Internet by several methods including, but not limited to, the following:

- ▶ Peer-to-peer (P2P) software: consists of many computers connected in a network for uploading and downloading files; these networks use software like BitTorrent, AresWarez, BitComet, Morpheus, DirectConnect, Limewire and many more. FTP (file transfer protocol): consists of one computer serving files to its clients on a continual basis.
- ▶ IRC (internet relay chat): a form of real-time internet chat through which users can create file servers that allow them to share files with others.

Q: How Can a Copyright Holder Find Out if I Have Copyrighted Materials on My Computer?

Copyright holders can search the Internet to determine whether copyrighted material is being illegally distributed. They often search with the same peer-to-peer software (KaZaA, Bit Torrent, mIRC, AresWarez etc.) used by those who share files. To avoid any problems, make sure that you are not making any files available for download that you do not have permission from the copyright owner to share. The simplest way to comply with this is to delete the files or to turn off/uninstall any file sharing software you have on your computer.

When an infringing file is found, a copyright infringement notice is issued to the network provider from which the file was transmitted. Many users sharing illegal files are under the false assumption that by not providing any personal information, or providing false information, there is some anonymity when using these P2P applications. However, any activity on the Internet can be tracked back through your Internet Service Provider to your computer. Kean University, as your Internet Service Provider when you are on campus, will receive these notices, lookup the computer by IP address and forward the warning.

Q: If My Computer Is Found to Have Copyrighted Materials, What Steps Can the Copyright Holder Take Against Me?

Copyright owners can file civil suits to recover damages and costs. In many cases, statutory damages of up to \$30,000, or up to \$150,000 for willful infringement, may be awarded even if there is no proof of actual damages. In addition, in certain cases of willful infringement, the government can file criminal charges, which can result in substantial fines and imprisonment. Use of an academic network does not

provide immunity from copyright law, nor can Kean protect its students, faculty, or staff from criminal investigations or lawsuits relating to their personal actions.

Q: How Does Illegally Distributed Material, or Sharing That Material, Affect Me?

Illegal file sharing affects every user on the Kean University network. If you are on the University's network either in an office, in a residence hall, in a public lab, or a visitor to our network from off-campus, you can experience the effects of slower Internet speed resulting from illegal file sharing. Most file sharing software also comes bundled with malware such as spyware or adware. Sometimes this malware remains installed on the system even if the original file sharing software is removed, and can be very difficult to eliminate. In many cases such malware can interfere with the correct operation of web browsers, anti-virus and anti-spyware software, software firewalls and can cause degraded performance on affected systems. If you are faculty, staff, or a student using the University network and you are distributing files illegally you may experience:

- ▶ Increased virus attacks against your computer. Spyware installed on your computer without your knowledge. (Especially if using P2P software)
- ▶ Potential lawsuits.

Q: How Do I Prevent Potential Copyright Problems?

Do not share copyrighted material and uninstall any file sharing software on your computer. If you never install a peer-to-peer program, you will dramatically reduce the chances of your computer being infected by a virus, installing spyware, or being sued.

Q: Is it Legal to Download or Store Copyrighted Materials on My Computer?

Generally, you are infringing copyright if you download or share copyrighted materials on your computer without the permission of the copyright owner, unless fair use or another exemption under copyright law applies. Most downloading over the Internet of commercially available copyrighted works, such as music or movies, through file sharing systems is illegal.

If you purchase/download music, movies or other copyrighted material legally, via iTunes or other legal sites, you are well within your rights unless you then share that material with others who have not paid for it. That would be a copyright violation.

Q: Where Can I Download Legally?

A number of services exist where you can legally download music, software, television shows and movies.

- ▶ iTunes, from Apple (Music, TV, Movies, Audio Books)
- ▶ Napster (Music)

- ▶ Sony Connect (Music)
- ▶ WalMart (Music)
- ▶ Yahoo (Music)
- ▶ MSN (Music)
- ▶ CinemaNow (Movies)
- ▶ Audible.com (Audio Books)
- ▶ Google Video (Movies and TV)

You can now also watch many television shows and other videos free at the following sites:

4. ABC (Many full episodes of ABC shows)
5. CBS Innertube (Many full episodes of CBS shows)
6. NBC Universal (Many full episodes of NBC shows)
7. Google Video
8. YouTube

Frequently Asked Questions borrowed from Rowan University Technology Toolbox: www.rowan.edu/toolbox/policies/dmca/index.html



Equity In Athletics Disclosure Act (EADA) and the NCAA Graduation Rates Report

Equity In Athletics Disclosure (EADA) Report

The Equity in Athletics Disclosure Act (EADA) requires that the Secretary of Education collect and provide a report to Congress on financial aid and statistical information on collegiate sports. Each institution of higher education that conducts an intercollegiate athletics program (for men and women) must prepare and submit on an annual basis the EADA Report. The report is due each October 15 for the preceding academic year.

This report is designed to make prospective student-athletes aware of an institution's commitment in providing an equitable athletics program for both their male and female participants.

The report can be accessed through the NCAA website (www.ncaa.org) and by selecting: "Title IX, Gender Equity Information" or "News and Publications". The reports of each

institution are published by the NCAA each year and the manual can be purchased or viewed through this website. Any student or individual who would like a copy of this report can write the Kean University Athletics Department.

The NCAA collects and publishes the graduation rates of all member NCAA institutions. This information is required from each institution of higher learning on an annual basis which is included in the NCAA Graduation Report which can be accessed through the NCAA website (www.ncaa.org) and selecting "News and Publications".

The report is designed to make prospective students aware of the graduation rate of the general student-population.

Anyone desiring a copy of the Kean University Graduation Report can write the Kean University Athletics Department..

Should any individual request copies of these two reports, (parents, faculty, staff or students), the athletics department staff will immediately provide copies as requested.

Organ Donation

July 26, 2007, Governor Jon S. Corzine signed bill A1190 which requires the placement of organ donation information and materials at public institutions of higher education. This

legislation helps to boost public awareness of the benefits of organ and tissue donation and increase participation in donation programs across the state.

How to Become an Organ and/or Tissue Donor

To become an organ and/or tissue donor you should:

1. Make it a license to save lives. Make the donor designation on your New Jersey driver's license or ID card. This is the most important and direct way to make your wishes known. The words "Organ Donor" will appear on the front of your license and will be included in your computer record with the Motor Vehicle Commission. For more information or to sign up to be notified when an online registry is available, visit www.donatelifenj.org.
2. You should tell your family about your decision so they understand your wishes. If there is no designation on your driver's license or other legal means of donor designation, the final decision about organ and tissue donation will be made by your family. Your wishes can also be made through advance directives and living wills.
3. Until you get to the Motor Vehicle Commission and make your donor designation, you can also sign and carry an organ donor card. Please note that while the donor card allows you to legally express your wishes, it must be accessible at the time of your passing as it is not connected to any registry.

Safe Haven Infant Protection Act

877-839-2339
www.njsafehaven.org

On January 17, 2010, the State of New Jersey enacted a new law that requires the Department of Children and Families (DCF) to notify an expanded list of public and private entities across the state about the New Jersey Safe

Haven Infant Protection Act and the relevant information and materials to give up an unwanted infant safely, legally and anonymously. The parents, or someone acting on their behalf, can bring a baby less than 30 days old to any hospital emergency room or police station. DCF will take the child into custody and place the infant in a foster or pre-adoptive home.

Procedures Governing Commercial Sales

Kean University is an educational institution. Its fundamental mission is to provide academic and educational programs for its students. Located in a densely populated area, the University's facilities are limited. Classroom space, parking space, recreational space, housing, office space, and other forums are frequently booked to near capacity by the members of the University Community. For these reasons, the University has prioritized the opportunity for use of its facilities to recognized University organizations and groups, University departments, or members of the University Community. For these same reasons, the University has restricted use of its facilities for commercial sales or solicitations to events that have a relationship to the University Community and the institution's educational mission.

1. As a general rule, representatives of off-campus groups or businesses will not be permitted to engage in commercial sales or otherwise solicit in person on-campus. The Reservations Coordinator may grant permission for solicitations and sales by off campus business concerns, consistent with the Standards for Evaluating Requests for Use of University Facilities and Grounds and only when specifically sponsored to do so by a recognized student, faculty, or other employee organization. Use of University facilities and grounds by off campus groups or businesses may be limited to specific times and locations.
2. Kean University prohibits the advertising, marketing, or merchandising of credit cards to students on University owned, operated, or controlled property, and at any University-sponsored events with out prior approval from the Director of Business Services.
3. Applications must be made at least four weeks prior to the solicitation and will be reviewed in accord with the Standards for Evaluating Use of University Facilities and Grounds. Use will be subject to the Procedures Governing Use of Facilities and Grounds. These restrictions are not intended to apply to: competitively bid or other contractual arrangements, or to those individuals and organizations not affiliated with the University who are invited on campus to make business presentations, or proposals in order to obtain sponsorship, or to elicit requests for proposals, or contractual agreements with either the University administration or recognized University organizations and groups.

Policy Statement on Free Speech and Dissent

Preamble

Kean University has a long-standing commitment to basic constitutional freedoms. These freedoms are important not only because they are guaranteed within the constitution, but also when considered in light of our University's public dedication to the "transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society."

The Kean University Bill of Rights and Responsibilities, adopted in 1972, affirms the commitment of the University to free speech and to dissent and recognizes the inherent link between these two. It underscores the importance within the educational process of the "search for truth and its free presentation" while extending to members of the campus community the right to "engage in non-violent demonstrations." The importance of the link between free speech and the right to dissent as well as the responsibility for orderly dissent is embodied in the statement that members of the community who wish to dissent have the "obligation not to interfere with any member's freedom to hear and to study unpopular and controversial views on intellectual and public issues."

Similarly the University Policy on Dissent and Campus Demonstrations, adopted in 1972, encourages members of the University community to "register their dissent from any condition, issue, or proposed action by any orderly means."

The Policy on Dissent and Campus Demonstrations recognizes also that those who exercise their right to dissent have the responsibility to do so in ways that do not interfere with the basic freedoms of all members of the campus community.

The statement presented in this document derives from and is consistent with the framework established within the University Bill of Rights and Responsibilities and the Policy on Dissent and Campus Demonstrations.

Statement of Free Speech

Kean University is committed to maintaining an environment which fosters free speech and open discussion and debate of ideas. Members of the campus community are encouraged to listen to the ideas of any person. This commitment includes supporting the right of a group or individual to sponsor speakers or events with unpopular or controversial points of view, while enabling those who oppose these points of view the opportunity to express disagreement or dissent in ways that do not restrict the ability of individuals to hear the ideas being presented. It is understood also that sponsorship of a speaker or event does not necessarily imply approval of the views presented.

Scope of Statement

The Classroom

As stated in the University Bill of Rights and Responsibilities, academic freedom extends to a faculty member "the right to determine the specific content of his or her course within the established course definition." This right of a faculty member to conduct his or her course free of intrusion from those outside the class is considered inviolate* and therefore, the guidelines (i.e., the Statement) for external speakers delineated in the "Policies and Procedures for University Facilities" manual does not apply to academic instruction. The guidelines (i.e., the Statement) do apply to all other meetings on campus to which an outside speaker is invited (open meetings).

Open Meetings and Events

All meetings and events to which outside speakers or groups are invited are open, even though sponsoring organizations may limit the audience to members of their groups. For all open meetings or events, provision must be made for members of the campus community** who wish to do so to have access to the words of the speaker.*** This may be accomplished by permitting attendance at the part of the function which includes the talk or by recording (videotaping



or audio taping) the talk and making the tape generally available for viewing by the members of the campus community. In accordance with copyright laws, recording may only be done with permission of the speaker.

Statement on Dissent and Protest

Kean University recognizes that the right to dissent is the complement of the right to free speech. Where dissent does occur at the same time and location of the talk, it must not interfere with the speaker's ability to communicate or the audience's ability to hear and see the speaker. The dissent might also be expressed in a forum other than at the original talk.

Peaceful dissent (i.e., picketing, distribution of literature, and silent or symbolic protest) is widely recognized as an acceptable means of dissent. Protest should never be disruptive or violent, nor should it result in damage or destruction.

The following examples are meant to suggest the limits of acceptable dissent. They are not intended to be comprehensive.

- ▶ **Picketing and the Peaceful Distribution of Literature.** Picketing in an orderly way or distributing

literature outside a meeting is acceptable as long as these activities do not interfere with gaining access to the meeting or event.

- ▶ **Silent and/or Symbolic Protest.** The wearing of symbolic clothing or emblems or the engaging in noiseless protests that involve gesturing, standing, or displaying signs are acceptable expressions of dissent, but these activities should not obscure the speaker from the audience's view or prevent the audience from hearing the speaker.
- ▶ **Vocal Dissent.** Dissenting vocally from a speaker's views, especially if the vocal protests are similar in kind and degree to the reaction of those supporting the speaker, is acceptable. Disrupting a meeting or event with prolonged chants or other noise in a manner that interferes with the speaker's communication is not permitted, whether inside or outside the meeting.
- ▶ **Force or Violence.** Using force or violence is never an acceptable form of protest. Freedom of movement may not be interfered with.

All persons at a talk must respect the right to dissent, as defined above. Any person who interferes with acceptable forms of dissent is considered in violation of this policy in the same way as is a dissenter who violates the rights of the speaker or the audience.

Procedures Governing Distribution of Literature

The Kean University Statement on Free Speech and Dissent and the Statement on Dissent and Protest express the commitment of Kean University to maintaining an environment which supports the free and open exchange of ideas. The General Procedures Governing the Use of University Facilities and Grounds are to be applied on a content neutral basis whenever University facilities and grounds are used outside of the classroom context and are to be interpreted in a manner consistent with the basic commitment of the University to free speech and dissent.

Recognized University Organizations, Groups or Faculty/Staff

1. Priority in scheduling and use of University facilities or grounds for purposes of distributing literature is given to recognized University Organizations and Groups.
2. Recognized University Organizations, Groups, Faculty/Staff or Members of the campus community may utilize sites designated for the sale or distribution of literature, including leaflets, handbills, handouts, newspapers and other written material when not in connection with a scheduled University event. University facilities must be reserved in advance by submitting a formal request online at <http://events.kean.edu> and in accord with general University scheduling procedures at least five (5) business days prior to the requested use.
3. Recognized University Organizations, Groups, Faculty/Staff or Members of the campus community must notify The Miron Student Center Operations & Event Management Office (MSC 6) of their request to use University facilities or grounds in connection with a scheduled university event at least five (5) business days prior to the date of requested use. All use will be subject to review in accord with the Standards for Evaluating Requests for Use of University Facilities and Grounds and to the General Procedures Governing Use of Facilities and Grounds. In the event of scheduling conflicts or other disruption to the orderly operation of the University, the University reserves the right to change the date, time and location of the distribution and if necessary, cancel the event.
4. In order to avoid scheduling conflicts, and allow sufficient time to evaluate space, security, parking, staffing, and other needs and to plan and organize the allocation of University resources, Recognized University Organizations, Groups, Faculty/Staff or Members of the campus are encouraged to complete the request for demonstration and distribution of literature form and return it to the Miron Student Center Operations & Event Management Office, between the hours of 9 a.m. to 5 p.m. Monday through Friday, in accord with regular University scheduling procedures

and in the case of any sale, must comply with the requirements of the Independent Vendor Policy. All use is subject to review in accordance with the Standards for Evaluating Requests for Use of University Facilities and Grounds and the General Procedures Governing the Use of University Facilities and Grounds.

External Organization, Group, or Individual

1. External Organizations, Groups, or Individuals must obtain written permission to sell or distribute literature including leaflets, handbills, handouts, newspapers and other written material when not in connection with a scheduled University event from the Office of University Relations, in accord with regular University scheduling procedures and in the case of any sale, must comply with the requirements of the Independent Vendor Policy.
2. Written confirmation must then be brought to the Miron Student Center Operations & Event Management Office, located on the first floor of the Miron Student Center (MSC-6) between the hours of 9 a.m. to 5 p.m. Monday through Friday; to schedule an appropriate date, time and location to distribute their Literature.
3. In order to avoid scheduling conflicts, and allow sufficient time to evaluate space, security, parking, staffing, and other needs and to plan and organize the allocation of University resources, individuals. Application must be made six working days prior to a scheduled University event, or six weeks prior to the requested date if not in conjunction with a University event, in accordance with the Standards for Evaluating Requests for Use of University Facilities and Grounds and the General Procedures Governing the Use of University Facilities and Grounds.
4. The University reserves the right to designate time, place and manner restrictions on the distribution of literature.
5. The total number of people or organizations, distributing or selling literature on-campus or at any one location may be limited. In accordance with general University policy, preference will be given to members of the University community. In acting on requests from non-campus groups or representatives, those sponsored by recognized University organizations or groups will be given preference.
6. Harassment of members of the University community by those selling or distributing literature, or sale or distribution outside of the hours or locations for which permission has been granted, will be cause for immediate revocation of permission and could result in a suspension of future usage privileges.
7. Decisions regarding requests under these guidelines will need to take into account both any special circumstances that may relate to University activities and the burden that permission to sell or distribute literature may place on the University's security force, administrative staff and facilities.
8. If special circumstances are presented, upon request, shorter timelines and different locations will be considered at the discretion of the University.
9. The appeal procedures detailed in the General Procedures Governing Use of Facilities and Grounds apply in the event of a challenge to a decision by the University.



Guidelines for Use of University Facilities for Dissent and Demonstration

Kean University recognizes its commitment to the exercise of free speech and dissent by its faculty, staff and students. Demonstration and dissent is subject to the need that the University operate in an orderly fashion. Normal delivery of

the academic and educational program is the University's priority concern. All use is subject to review in accord with the Standards for Evaluating Requests for Use of University Facilities and Grounds and to the General Procedures

Governing Use of University Facilities and Grounds.

1. Priority in scheduling and use of University facilities or grounds for purposes of dissent or demonstration is given to recognized University organizations and groups.
2. Kean University sponsored organizations, groups or members of the University community are encouraged to complete the request for demonstration and distribution of literature form and return it to the Miron Student Center Operations & Event Management Office; prior to the requested use, so as to permit the University to designate appropriate time, place, and manner restrictions. If in connection with a scheduled University event, requests to schedule must be made 72 hours prior to the requested use. If not in connection with a University event, requests to schedule must be made in accord with normal University scheduling procedures.
3. In order to allow the University sufficient time to evaluate space, security, parking, staff and other needs, and to plan and organize its allocation of resources, requests for use of University facilities or grounds by organizations, groups or Individuals not affiliated with the University for dissent or demonstration must be made to the Office of University Relations in accordance with regular scheduling procedures for external groups. If the use requested is in connection with a regularly scheduled University event, requests must be made at least ten (10) working days prior to the event.
4. Kean University reserves the right to designate time, place and manner restrictions on individuals, groups or organizations registering dissent or to disperse any such group where there is significant, imminent danger to public safety. The University reserves the right to change the date, time or location of a dissent or demonstration, in the event of a scheduling conflict, or if the requested use would disrupt the orderly operation of the University, consistent with the Procedures Governing the Use of University Facilities and Grounds.
5. If special circumstances are presented, upon request, shorter timelines and different locations will be considered at the discretion of the University.
6. The name of the individual authorized by the organization to act on its behalf should be provided to the University along with the number of individuals wishing to attend the event. Space will be allotted within physical limitations and subject to the public safety and operational needs of the University.
7. Due to limited space, public safety concerns and/or the operational needs of the University, the University reserves the right to limit the number of protesters on campus as well as the number of protesters, demonstrators or counter-demonstrators from any one group or at any one location. The University also reserves the right to limit the number of protesters so as to afford other groups the opportunity to express their views. In accordance with general University policy, priority will be given to recognized University organizations and groups.
8. Violations of these procedures and/or interference with a speaker's ability to communicate, or the audience's ability to hear or see the speaker will be addressed through the Student Code of Conduct procedures or legal process. Failure to comply with the request to cease the disruption will result in removal, a notice of suspension during which time a hearing will take place in accordance with the Universities Student Code of Conduct procedures, and/or civil or criminal process.
9. Requestors are strictly responsible for any damage done to property attributable to the individual applicant, group or organization.
10. Tents, tarps, and all other forms of camping equipment are prohibited.
11. Appeals of the University's decision regarding use of facilities and/or grounds, including denials or limitations on use, may be made in accord with the appeal procedures detailed in the General Procedures Governing the Use of University Facilities and Grounds.

General Procedures Governing Use of University Facilities and Grounds

1. All events held on Kean University property must comply with federal, state, local laws and University policies. It is the responsibility of the sponsoring organizations, groups or individuals to monitor events and ensure that all aspects of the event are in complete accordance with laws and University regulations. This includes fire and safety regulations, including those related to capacity and access.
2. Security at events is subject to the sole and exclusive control of Kean University. Searches of individuals must be conducted by authorized law enforcement personnel.
3. University representatives must have full access to all rooms, facilities, and grounds utilized by any group, organization or individual at all times.
4. Use of University facilities or grounds must not interfere with or disrupt educational, academic or other University activities. It is the responsibility of any organization, Use of University grounds or facilities in connection with events requiring security is conditioned upon timely execution of a security agreement approved by the University.

- group or individual seeking use of University facilities and grounds to ensure that the proposed use is conducted consistent with these procedures.
5. Organizations, groups or individuals using Kean University facilities and grounds cannot intimidate, interfere, or discriminate on the basis of age, sex, sexual orientation, marital status, race, color, creed, national origin, physical handicap, or political activity, or union activity.
 6. Appropriate attire must be worn in all campus facilities at all times, including shirt, shoes, pants/shorts/skirts.
 7. Pets/animals are prohibited in Kean University buildings except for those allowed per the Americans with Disabilities Act.
 8. No program may be held on University property without express authorization from Kean University.
 9. Events may not be advertised prior to receiving a formal event confirmation and/or prior to execution and approval of a license agreement. Additionally, advertising for any event sponsored by an external organization must clearly state that the activity is "Not a program sponsored by Kean University".
 10. Kean University is not responsible for materials, equipment, etc. that users or sponsoring organizations may leave in reserved or public spaces unattended. Users who choose to leave materials before and after events accept complete responsibility for the security of the items.
 11. Sponsoring organizations, groups or individuals are responsible for any and all damages and cleaning beyond that considered to be "normal wear and tear". Any organizations, groups or individuals that show disregard for facilities and/or equipment may be charged additional fees, be denied further use of University facilities, and/or be subject to the appropriate sanctions. Sponsoring organizations, groups or individuals assume responsibility for any damage done to facilities or equipment by their guests. Kean University accepts no responsibility for damage to, or loss of any merchandise or personal property.
 12. Smoking in all Kean University buildings is prohibited.
 13. The burning of candles and incense are strictly prohibited in all Kean University buildings.
 14. Windows may not be covered in accordance with fire code regulations.
 15. University property (furniture, displays, equipment, etc.) may not be moved or removed from spaces without express written permission.
 16. Sponsoring organizations, groups or individuals are expected to leave facilities in the same condition in which they were found. This includes surface cleaning after events, removal of balloons, decorations, signs and advertisements. Equipment should be powered down and /or returned to its original location and the space should be cleared of all trash and debris. Additional fees will be assessed if the sponsoring organization, group or individual fails to comply with this requirement.
 17. Facilities users shall:
 - a. Adhere to all scheduling guidelines.
 - b. Follow all guidelines regarding the use of the facilities and the posting of publicity related to an event.
 - c. Comply with all University policies and guidelines, federal, state and local laws before, during and after the event.
 - d. Pay in full all charges due to Kean University for the facilities' use and the provision of ancillary services.
 18. In addition to the requirements above, all externally-sponsored events shall also:
 - a. Enter into a license agreement with Kean University for the use of the facilities, services, and resources.
 - b. Provide proof of Liability Insurance.
 - c. Pay a deposit of 20% of the estimated fees associated with the use of facilities, services, and resources.
 19. University organizations, groups or individuals may not act as sponsors/agents for off campus vendors or organizations in order to avoid fees/charges for the use of facilities. Organizations, groups or individuals that attempt to misrepresent an event for this purpose will be held responsible for paying external rates and may have reservation privileges suspended.
 20. Organizations, groups or individuals using Kean University facilities and grounds cannot intimidate, interfere, or discriminate on the basis of age, sex, sexual orientation, marital status, race, color, creed, national origin, physical handicap, or political activity, or union activity.
 21. University facilities must be reserved in advance by submitting a formal request online at <http://events.kean.edu>. Space is approved on a first-to-schedule basis; however, there are times during the year that are historically busy. Limited resources may make it difficult to accommodate requests for space during these times.
 - a. Student groups are restricted from scheduling spaces during the last week of the semester.
 22. Violations of these procedures will be addressed through internal disciplinary procedures, legal process, and/or revocation of usage privileges. Interference with a speaker's ability to communicate or the audience's ability to hear or see the speaker will result in a request to cease the activity. Failure to comply with the request to cease the disruption will result in removal and a notice of suspension during which time a hearing will take place in accordance with University disciplinary procedures.
 23. Inappropriate or threatening physical contact, any threat of physical contact, malicious damage to property, actions that disrupt the freedom of movement of others and violations of civil and criminal laws are prohibited and will result in removal, internal disciplinary procedures and/or other civil or criminal process.
 24. Possession of any weapons, as defined under N.J.S.A. 2C:39-1, on campus is strictly prohibited. Violators of this prohibition are subject to immediate arrest and



- criminal prosecution.
25. Applicable tax laws and copyright laws must be observed. Use of the Kean University name, emblem or identity, for commercial activity will not be permitted without approval.
 26. Events may be moved to a different location upon the occurrence of:
 - a. Circumstances beyond the control of the University, such as facility infrastructure disruption and/or weather related conditions, or
 - b. Unanticipated needs of the University for use of the space, and to best utilize space and resources, or
 - c. Substantial changes in the needs or size of the scheduled event, or
 - d. Subsequent disruption to concurrent events.
 27. If an event interferes with traffic flow or access to buildings, the University will make reasonable efforts to control traffic flow and access to buildings before moving an event. If a move becomes necessary, the University will move the event to either an agreed-to location or the nearest suitable location. Kean University is not responsible for any costs incurred by a user resulting from a change in location. The University reserves the right to change, alter or modify any scheduling request based upon the following considerations:
 - a. Academic schedule and program
 - b. Vehicular traffic
 - c. Space and/or staff limitations
 - d. Parking limitations
 - e. Public safety and security
 - f. Orderly operation of the University
 - g. Previously scheduled events
 - h. Construction activities
 - i. Number of individuals expected to attend the event
 - or interested in attending the event
 - j. Weather, equipment failure, or other unforeseen events
 28. During an event scheduled outside the regular operating hours of a facility, only those directly involved or attending the event may remain in the facility.
 29. Possession and consumption of alcoholic beverages is prohibited without prior approval.
 30. Sound amplification on the grounds of the campus will only be allowed in the discretion of the University.
 31. These procedures will be applied consistent with any collective bargaining agreement applicable to the University.
 32. Initial appeals of the University's decision regarding use of facilities and/or grounds, including denials or limitations on use, may be made, in the case of student groups, to the Vice President for Student Affairs and in the case of faculty or staff, to the Vice President for Academic Affairs. In the case of organizations, groups or individuals not affiliated with the University, appeals of the decision may be made to the Office of Conference and Event Services.
 33. Appeals from the decision of the Vice President for Academic Affairs, or the Vice President of Student Affairs or the Office of Conference and Event Services, as appropriate, must be made as follows:
 - a. A written letter of appeal must be submitted to the appropriate office within three (3) working days after the initial denial of the request for space.
 - b. Upon receipt of the letter, the appropriate office must review the application and render a decision within three (3) working days of the appeal. In the event the proposed timing of the event does not allow sufficient time to submit an appeal, the University will consider expedited appeals.

Standards for Evaluating Requests for Use of University Facilities and Grounds

The University expects use of University facilities and grounds to advance or promote the academic, educational and/or cultural mission of the University. The following standards will be considered in scheduling use of University facilities and grounds:

- ▶ the University's interest in maintaining order on campus;
- ▶ the University's interest in ensuring public safety and security;
- ▶ the University's interest in preventing commercial

- ▶ exploitation of students of the University;
- ▶ the University's interest in preserving residential tranquility in residence halls and in the surrounding community;
- ▶ the University's interest in preserving its facilities and grounds;

Additional factors include: parking limitations, academic schedule, vehicular traffic, scheduling conflicts, size of the event, and staffing needs, and ongoing construction activities.

Campus Living: What's It All About?

It's All About Community . . .

According to Millard Fuller, founder and president of Habitat for Humanity International, for a community to be whole and healthy it must be based on people's love and concern for each other. In the residence life community, our staff serves as role models, encouraging residents to take care of one another to ensure the community remains unified and strong. Kean University's resident population is approximately 2,015. The residential population is comprised of full-time students from diverse backgrounds and a variety of interests.

There are eight furnished residence halls that offer a variety of living arrangements including co-ed floors, single-gender

floors, quiet floors and living learning communities. First-year students can enjoy two options: a suite-style living environment, with two rooms and a bathroom in the suite and an apartment style with semi-kitchen and living room area. The other residence halls house upper-class students in apartment style living arrangements. These apartments house four to six students in an environment that has a living room/semi-kitchen area, two – three bedrooms and a bathroom. The semi-kitchen areas include a full size refrigerator, countertop/sink, cabinet storage space and a microwave oven. Residents are required to purchase a meal plan that allows them to partake in the all-you-care-to-eat dining facility on campus.



It's All About Opportunities . . .

According to the United States Achievement Academy, residential students who live on campus are more likely to achieve a high grade point average, more likely to complete their degree in four years, and more likely to apply for admission to graduate school. While these overall advantages are beneficial, here are some other advantages that will affect a resident's daily living:

Accessibility – Living on campus gives residents quick and easy access to the library, classrooms, computer labs, academic and support services, and classmates. Living close means residents feel a strong connection to the University and keep informed about what's going on.

Personal development – Living on campus gives residents freedom to make many choices. Making decisions in turn means learning to live with the consequences. Due to the nature of the living-and-learning environment in the halls, residents also enhance time management skills and explore career development, identity development, moral and spiritual development, and wellness issues.

Exploring diversity – Since the residence halls are a multicultural environment, residents learn tolerance and appreciation of individual, cultural and racial differences. Residents have an opportunity to formally and informally learn about different lifestyles. Formal programs are planned specifically for residents as well as the informal congregating of students that occurs in the halls. These interactions ultimately help enhance residents' interpersonal skills and give them a chance to experience real-life situations in a controlled environment.

It's All About Safety . . .

Personal

All residence hall lobbies are staffed 24 hours a day, seven days a week. Guests must be escorted by a resident at all times and must be approved for access into the halls by security staff members from 8:00 a.m. to 3:00 a.m. All guests must leave the buildings by 3 a.m. Overnight guests are permitted Wednesdays through Saturdays with consent from roommates and approval from the hall staff. Security measures are enhanced by additional camera surveillance on each floor, elevator and lobby area.

All residents can protect their personal property by keeping their doors locked, making a list of their property and not leaving property alone in crowded places (such as lobbies, hallways and lounges).

Community

Residents are encouraged to protect themselves and neighbors in the halls by doing the following:

- ▶ Keeping lobby doors locked and refusing access to someone not carrying residence hall identification

- ▶ Keeping room/apartment doors locked at all times
- ▶ Alerting staff when unidentified visitors are around
- ▶ Learning and abiding by security and guest procedures

Fire

Residential Student Services staff members perform mandatory fire safety training for all residents at the beginning of each semester. All residence life buildings have full sprinkler protection. In addition, all residence life buildings have a fully addressable fire alarm system with smoke detectors throughout. Fire extinguishers are located in all building hallways and stairwells. During the training, staff members teach residents how to prevent fires and how to evacuate the building.

As an extra measure of security for our community, digital video cameras have been installed in the lobby area of each residence hall. This security initiative was implemented as a means to maintain a record of behavior and/or activity that does not meet community living standards and may be in violation of New Jersey State Law, the Kean University Student Code of Conduct, and Office of Residential Student Services Handbook.

This information will remain confidential and will be utilized for investigative purposes by University officials including but not limited to Campus Police, the Office of Student Affairs, and the Office of Residential Student Services. In addition, a guest monitoring system has been installed to monitor and record guest visitation in the residence halls. The program will promote a positive quality of life for all students.

As community members, your cooperation and assistance in this endeavor is expected and appreciated. As always, should you become aware of any suspicious persons or behavior, we ask that you contact Campus Police or the Residential Student Services staff.

It's All About Learning...

Educational

The Office of Residential Student Services sponsors programming activities that helps to create an environment of living and learning in the residence halls. This series helps to enrich student development through educational programs addressing contemporary issues. Tutoring and mentoring programs are also available in the residential halls.

It's All About Service...

In order to accommodate the various needs of the residential population, the residence halls offer a variety of programs and services including:

- ▶ A 25 passenger van that frequents local food markets, department stores and train stations.
- ▶ Internet access in each residence hall room for each student. Students can also connect to the wireless network installed in each of the residence halls. In

addition, students may also use the 24 hour computer lab located in the New Upperclass Residence Hall.

- ▶ Cable television system that provides approximately 150 channels.
- ▶ Coinless laundry equipment in each residence hall.
- ▶ Telephone system in each bedroom equipped with voicemail and caller identification services.

It's All About Respect...

One of the biggest concerns residents anticipate is the relationship they will have with their new roommate(s). Open and honest communication helps maintain a positive relationship with one's roommate(s). Residents are faced with the challenge of working on skills such as compromising, negotiating, and making adjustments that will affect other aspects of their personal and professional lives. Following is a "Roommate's Bill of Rights," which is made available to every resident when he or she moves into the residence halls:

A Roommate's Bill of Rights

- ▶ Reasonable undisturbed study time
- ▶ Reasonable undisturbed sleep time
- ▶ Respect for my belongings
- ▶ A reasonably clean, healthful environment
- ▶ Free access at all times to my building and room
- ▶ Personal privacy
- ▶ Guests who respect my roommate's rights
- ▶ Reasonable use of shared equipment, such as the telephone, lights and windows
- ▶ Freedom from physical and emotional assault
- ▶ Self-expression free from guilt or intimidation

It's All About Support...

Qualified and experienced professional and peer staff members are hired each year to assist residents with their adjustment to on-campus community living. All Residential Student Services staff members participate in approximately 50 hours of training sessions covering human relations, substance abuse, mental health issues, crisis management, conflict mediation/resolution, fire safety, communication skills, customer service, programming and community/team building. Each residence hall is staffed by a Residence Hall Director, Resident Assistants, Student Security Staff Members, and Community Assistants.

In order to provide the most efficient service to the residents, Residential Student Services staff coverage is available in all residence halls 24 hours a day, seven days a week. Resident Assistants serve as peer mentors to the residents. These students are upper-class residents who act as liaisons between the residents and the Office of Residential Student Services.

The Residence Hall Directors are responsible for the supervision of the hall's peer mentoring staff, as well as the maintenance and management of their respective building. Residence Hall Directors are student development



enthusiasts and actively participate in the education of students outside of the classroom. Each Residence Hall Director's office is located on the first floor of his or her hall's community center.

It's All About Getting Involved...

Resident Hall Council

The Resident Hall Councils are the official elected student governing body of the residence halls and were established to promote cooperation between the students and the administrative personnel regarding on-campus affairs. This is an excellent opportunity to get involved, help plan events, and develop leadership skills.

Residence Life Leadership Positions

The Office of Residential Student Services provides several leadership opportunities for students within the residence halls. These positions include Resident Assistants, Desk Managers, Desk Service Representatives, ACCESS Tutors, Computer Lab/Game Room Assistants, Community Assistants and Customer Service Representatives. Students holding these positions undergo weeks of training in preparation for the various responsibilities each position entails.

Kean University Behavioral Intervention Team for Students (KUBIT)

KUBIT is an acronym for the Kean University Behavioral Intervention Team. KUBIT was formed to address the rising tide of student mental health issues and disruptive behavior. KUBIT is chaired by the Associate Vice-President for Student Affairs and consists of the following members: Director of the Office of Counseling, Accessibility, Alcohol and Other Drug Services; Assistant Vice President for Academic Affairs; Managing Assistant Director of Accessibility

Services; Director of Health Services; Director of the Office of Community Standards and Student Conduct; and Academic Specialist from the Division of Student Affairs. KUBIT meets on a regular basis in an effort to wrap support around students and help maximize students' academic and personal success. More information regarding KUBIT can be found at <https://www.kean.edu/kubit-cares>.

Health Services

The Kean University Health Services strives to promote a healthy campus community. Our Nurse Practitioners and Physicians provide confidential services treating illness and injuries along with wellness exams such as women's and men's health and nutrition counseling. We will also make appropriate referrals as needed. Our mission is to complement the educational mission of the University by removing health-related barriers to learning and promote optimal wellness. This enables the student to make informed decisions about health related concerns, and empowering students to be self-directed and well-informed consumers of health care services. Health services is available to all enrolled full and part-time undergraduate and graduate students. For more information please visit the Health Services web page at www.kean.edu/offices/health-services.

Services Provided

- ▶ General Primary Care
- ▶ Gynecology

- ▶ STI Clinics
- ▶ LGBTQ Services
- ▶ HIV Testing
- ▶ Allergy shots
- ▶ Medical Leave of Absence
- ▶ TB testing and Immunization titers
- ▶ Educational programing
- ▶ Vaccinations

Making An Appointment

Students are encouraged to make an appointment via PyraMED (<http://kean.studenthealthportal.com>). PyraMED allows students to access, control, and view their medical information —confidentially. The student must begin by registering on PyraMED with their Kean University ID number (use all the zeros) and their date of birth.

The Office of Counseling, Accessibility, Alcohol and Other Drug Services

The Office of Counseling, Accessibility Alcohol and Other Drug Services (KCC) provides counseling, support and psychoeducational programs and activities designed to improve students' psychological and emotional health in order to help students have a positive and productive university experience. The KCC provides individual and/or group psychotherapy services and programs to address: personal developmental issues related to family concerns, interpersonal

relationship problems, childhood trauma, sexual identity concerns, self-esteem issues, depression, anxiety, sexual misconduct/assault or rape, and/or alcohol/drug screening and education. Counseling services are provided by Licensed Social Workers, Licensed Psychologists, Licensed Clinical Alcohol and Drug Counselors, Professional Counselors or Master's level clinicians, under the supervision of professional staff. A part-time Board Certified psychiatrist is available for

consultation when further evaluation and/or medication are needed. All services are free of charge and confidential for Kean University students.

For more information, view the website at www.kean.edu/offices/counseling-center.

The Office of Accessibility Services provides assistance and accommodations for students with learning, physical, medical and/or psychological disabilities. The University adheres to the requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Every effort is made to provide students with an equal opportunity to participate in all aspects of college life. Services provided through the Office of Accessibility Services can include mentoring, academic, career and personal advisement and adaptive testing. Other services provided include instruction in the use of adaptive technology and referral to other University services such as tutoring, counseling and diagnostic testing. Classroom, testing and housing accommodations may be provided to students who demonstrate a need for these accommodations through proper documentation. The Office of Accessibility Services strives to support students in developing the necessary skills for becoming independent, responsible and successful learners.

For more information, view the website at www.kean.edu/office-counseling-accessibility-alcohol-and-other-drug-services/office-accessibility.



Making A Counseling Appointment

The Office of Counseling, Accessibility, Alcohol and Other Drug Services is open Monday through Friday from 9:00 am to 5:00 pm. Call (908) 737-4850 or stop by Downs Hall, room 127 to make an appointment.

Making an Accessibility Services Appointment

The Office of Accessibility Services is located in Downs Hall, room 127. Please call (908) 291- 3137 to schedule an initial intake appointment. Recent supporting medical/psychological/ educational documentation is required to complete the intake process and provide any necessary accommodations.

Kean Counseling Center - Tips for Helping Students

Counseling Services

The Office of Counseling, Accessibility, Alcohol and Other Drug Services is designed to be an essential resource for students seeking assistance in dealing with mental/ emotional difficulties. Common areas of concern may include:

- ▶ Family difficulties
- ▶ Depression
- ▶ Anxiety
- ▶ Interpersonal and romantic relationship difficulties
- ▶ Mental health issues that adversely impinge on academic performance

Students in Distress

Many students are able to adjust to difficulties in college on their own or with support from family and friends. However, there may be occasions that indicate the need for professional help. You may be in a position to identify and refer students who require additional assistance.

Warning Signals

- ▶ Marked decline in quality of coursework, grades or class participation
- ▶ Incomplete or missing assignments
- ▶ Memory loss or trouble concentrating
- ▶ Repeated requests for extensions, incompletes or withdrawals
- ▶ Increased absenteeism or tardiness
- ▶ Marked change in the pattern of interaction: anxious, avoidant, distracted, argumentative
- ▶ Depression, lethargy, poor hygiene, sudden weight change, sleeping in class, bizarre, aggressive, morbid or suicidal comments
- ▶ Erratic behavior, sudden mood swings, inappropriate anger, hostility and irritability
- ▶ Statements in a student's paper that arouse concerns about depression, suicide, an abusive relationship,

excessive anger, violent thoughts or other issues

- ▶ Comments about alcohol or drug use
- ▶ Prolonged sad, hopelessness or lowered self esteem
- ▶ Talk of suicide, either directly or indirectly such as, “I won’t be around to take that exam anyway” or “I’m not worried about getting a job, I won’t need one.”

Tips for Helping Troubled Students

- ▶ Choose a place where you can talk quietly without interruptions. Even a few minutes of your undivided time can provide encouragement.
- ▶ Be honest and focus on the specific signs that alerted you to a possible problem.
- ▶ Remain calm, compassionate and willing to listen. Be aware that the student could respond in a variety of ways. Don’t take negative, indifferent or hostile responses as wasted effort.
- ▶ Provide the student with the telephone number of the Office of Counseling, Accessibility, Alcohol and Other Drug Services. Reiterate that services are free and confidential.
- ▶ Explain to the student that counseling is not just for “people in crisis” and that many people have problems in their daily lives.
- ▶ If appropriate, ask for an agreement to make an appointment by a certain date. It might be helpful to ask the student later whether he or she followed through. Keep communication open by telling the student that you are willing to listen.
- ▶ Offer the student the option of calling the Office of Counseling, Accessibility, Alcohol and Other Drug Services from your office to initiate the referral, so that a public commitment to get help will have been made.

Make a Referral When

- ▶ If there is any indication of suicidal or homicidal ideation, intent or plan. Call the police if there is an immediate threat to safety
- ▶ The problem is more serious than you are comfortable handling.
- ▶ You have talked with the student already and you feel that he or she may need more assistance.
- ▶ The student admits there is a problem, but doesn’t want to talk about it.
- ▶ The student asks for information or assistance that you are unable to provide.

Remember...

In general, you cannot force a student to seek professional help; do not try to coerce, threaten or use deception, however well intentioned, to persuade a student to come to the Office of Counseling, Accessibility, Alcohol and Other Drug Services or use any other mental health resource. Accept that the student may not be ready to seek help.

HOWEVER, danger to self or others is always an exception to this. Appropriate referrals for these students are of paramount importance!

Suicide Warning Signs

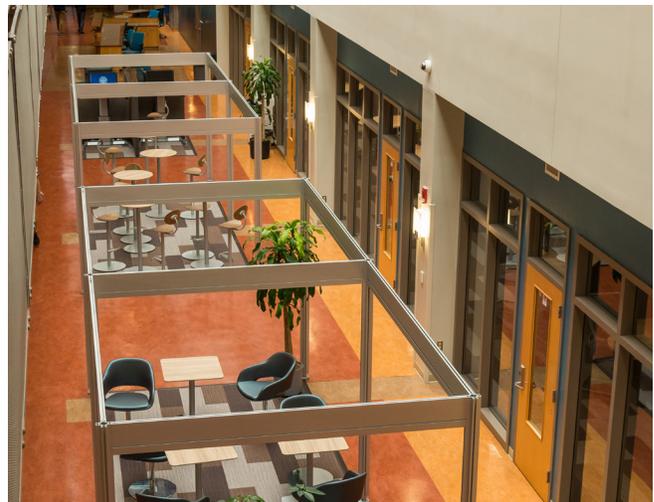
Seek help as soon as possible by contacting the Office of Counseling, Accessibility, Alcohol and Other Drug Services, by calling the National Suicide Prevention Lifeline at 1-800-273-TALK (8255) or by calling the Police if you or anyone you know exhibits any of the following signs:

- ▶ Threatening to hurt or kill oneself or talking about wanting to hurt or kill oneself
- ▶ Looking for ways to kill oneself by seeking access to firearms, available pills, or other means
- ▶ Talking or writing about death, dying, or suicide when these actions are out of the ordinary for the person
- ▶ Feeling hopeless
- ▶ Feeling rage or uncontrolled anger or seeking revenge
- ▶ Acting reckless or engaging in risky activities – seemingly without thinking
- ▶ Feeling trapped – like there’s no way out
- ▶ Increasing alcohol or drug use
- ▶ Withdrawing from friends, family, and society
- ▶ Feeling anxious, agitated, or unable to sleep or sleeping all the time
- ▶ Experiencing dramatic mood changes
- ▶ Seeing no reason for living or having no sense of purpose in life

SOURCE: U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration www.samhsa.gov

What to do if You Think a Person is Having Suicidal Thoughts

Call the Office of Counseling, Accessibility, Alcohol and Other Drug Services at (908) 316- 3137 during business hours for consultation and support or contact the Kean Campus Police Department (908-737-4800 or 911) for transport to the nearest mental health screening center. For Union County, the nearest mental health screening center is the Trinitas Hospital Psychiatric Emergency Room and can be reached at 908-994-7131. The student should not be left alone while awaiting transport. Take all suicide threats and all suicide



attempts seriously. A past history of suicide attempts is one of the strongest risk factors for death by suicide.

Asking a suicidal person about their plans or intentions won't increase the person's suicidal thoughts. It may give you

information that indicates how strongly the person has thought about killing themselves and may help them feel supported.

Alcohol & Drug Treatment Centers

Trinitas Health

Substance Abuse Services
655 East Jersey St.
Elizabeth, NJ 07206
(908) 994-7090
Hotline: (908) 351-6684
www.trinitashospital.org/behavioral_health.htm

Summit Oaks Hospital

19 Prospect St.
Summit, NJ 07901
(908) 522-7000
(800) 753-5223
www.summitoakshospital.com

Overlook Hospital

Addictive Services
46-48 Beauvoir Ave.
Summit, NJ 07901
(908) 522-4800
www.atlanticealth.org/overlook/our+services/behavioral+health/chemical+dependency+services

St. Barnabas Medical Center

94 Old Short Hills Rd.
Livingston, NJ 07039
(973) 322-5000
www.barnabashealth.org/Specialty-Services/Behavioral-Health/Addiction-Services.aspx

Social Service Resources

Union County Rape Crisis Center

(908) 233-7273
<http://ucnj.org/government/human-services/division-of-planning-hs/rape-crisis-center/>

Project Protect – Battered Women Hotline

(908) 355-HELP
http://njcbw.org/gethelp_NJservices.html#union

24-hour Hotline Domestic Violence

(908) 355-4357
www.ywcaunioncounty.org

24-hour Hotline N.J. Coalition Against Sexual Assault

(800) 601-7200
<http://njcasa.org>

YWCA of Eastern Union County

(908) 355-1500
www.ywcaunioncounty.org

Victim/Witness Advocacy

(908) 527-4596
www.njvw.org

Addiction Line of New Jersey

(800) 322-5525
www.snj.com/ala-call

National Council on Alcoholism & Drug Dependence of N.J.

(908) 354-5638
www.ncaddnj.org

The Self-Help Clearing House

(800) 367-6274



(For New Jersey Only)
(973) 989-1122
www.njgroups.org

St. Francis Community Services (Ocean County)
Sexual Abuse & Assault Program
4700 Long Beach Blvd, Long Beach Twp., NJ 08008

(732) 370-4010
www.stfranciscenterlbi.org/

For further information concerning issues of sexual assault or alcohol and drug treatment, please contact the Kean University Office of Counseling, Accessibility, Alcohol and Other Drug Services (908) 737-4850.

Local Hospitals Directory

Union County, NJ

Trinitas Hospital
225 Williamson Street
Elizabeth, NJ 07207
Main No.: (908) 994-5422
Emergency Room: (908) 994-5100
Patient Information: (908) 994-5100
Psychiatric Emergency Services: (908) 994-7131
Anthony Trachta – Dir. Psych. ER: (908) 994-7152
www.trinitashospital.org

University Hospital
150 Bergen Street
Newark, NJ 07103
Main No.: (973) 972-4300
Emergency Room: (973) 972-4123
Patient Information: (973) 972-4040

www.uhnj.org

St. Barnabas Medical Center
94 Old Short Hills Road
Livingston, NJ 07039
Main No.: (973) 322-5000
Emergency Room: (973) 322-5180
Patient Information: (973) 322-8000
www.barnabashealth.org/Saint-Barnabas-Medical-Center.aspx

Overlook Hospital
99 Beauvoir Avenue
Summit, NJ 07902
Main No.: (973) 522-2000
Emergency Room: (973) 522-2232
Patient Information: (973) 522-2100
www.atlanticealth.org/overlook



Ocean County, NJ

Community Medical Center

99 NJ-37
Toms River, NJ 08755
Main No.: (732) 557-8000
www.barnabashealth.org/Community-Medical-Center/

Wenzhou, China

The First Affiliated Hospital of Wenzhou Medical University

2, Fuxue Alley
Wenzhou, Zhejiang Province, PRC
Main No.: 0086-577-88069292

The New Branch of the First Affiliated Hospital of Wenzhou Medical University

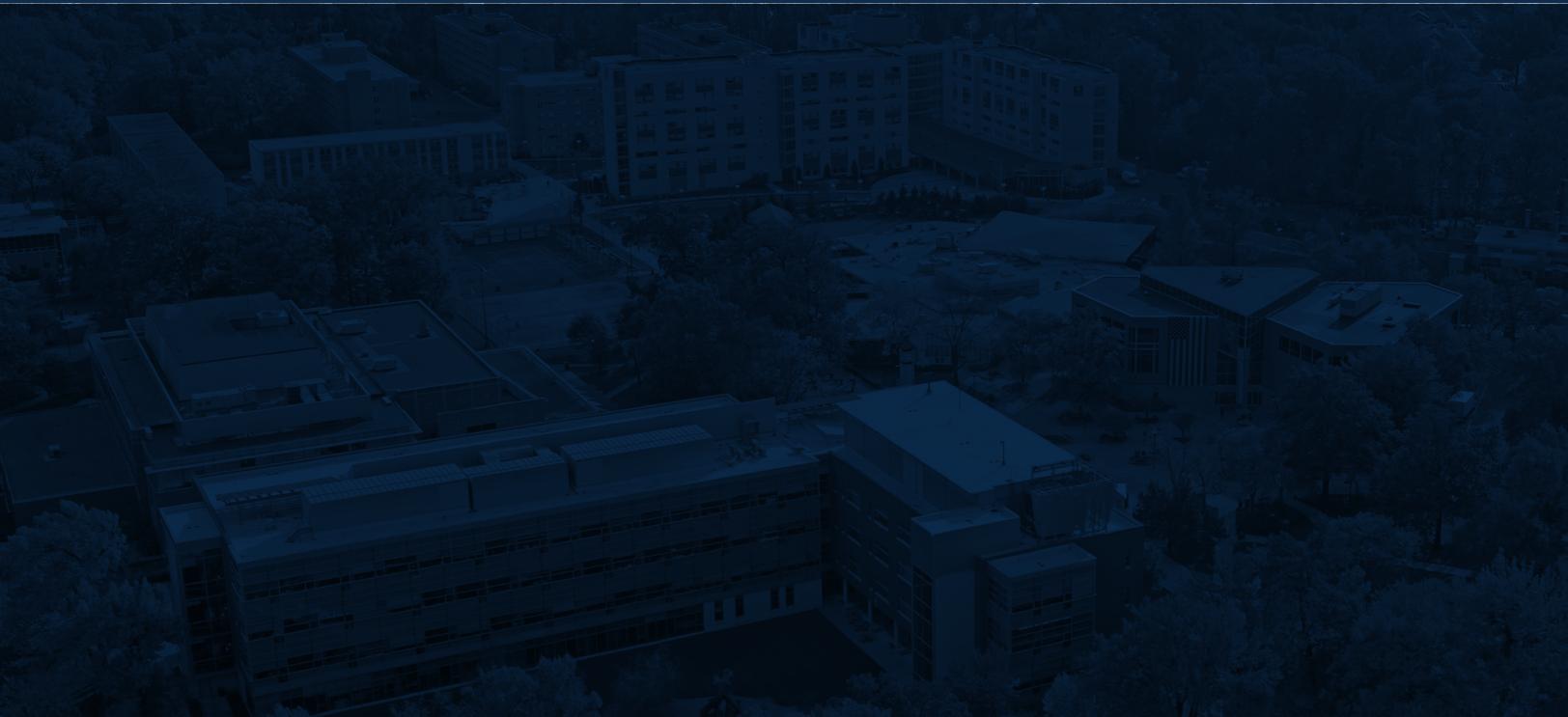
Shangcai Village, Nanbaixiang Residential District
Ouhai District, Wenzhou, Zhejiang Province, PRC
Main No.: 0086-577-55578166

The Second Affiliated Hospital of Wenzhou Medical University

109, West Xueyuan Road
Wenzhou, Zhejiang Province, PRC
Main No.: 0086-577-88816381



Published October 1, 2021



KEAN

Office of Student Affairs

Kean University
1000 Morris Avenue
Union, NJ 07083
(908) 737-7080