

# Atlantic Cape Community College

CHARLES D. WORTHINGTON CAMPUS SECURITY

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Atlantic Cape Security and Public Safety

Charles D. Worthington Campus

## Campus Security

## Report 2021



JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY

AND CAMPUS CRIME STATISTICS ACT

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# ATLANTIC CAPE SECURITY AND PUBLIC SAFETY

Charles D. Worthington Campus

1535 Bacharach Blvd., Atlantic City, NJ 08401-4485, Phone (609) 343-4841

## Campus Security Report 2021

### [Why a Campus Security Report?](#)

#### **The Campus Security Act -- Legal requirements**

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**, codified at 20 USC 1092 (f) as a part of the **Higher Education Act of 1965**, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Violators can be "fined" up to \$27,500 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action.

The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the **Crime Awareness and Campus Security Act of 1990**, was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

#### **Federal Legislation**

**Crime Awareness and Campus Security Act of 1990 (1990)**-Requires colleges and universities to automatically provide current students and staff with basic campus crime statistics and security policies. Prospective students and staff are to be notified of the availability of this information and to be given it upon request.

**Buckley Amendment Clarification (1992)**-Records kept by campus police and security for law enforcement purposes are not confidential "education" records under federal law

**Campus Sexual Assault Victims' Bill of Rights (1992)**-Requires colleges and universities to afford campus sexual assault survivors certain basic rights, including assistance notifying the police. Schools must have policies in place to address campus sexual assault.

**Campus Courts Disclosure Provision (1998)**-The final results of student disciplinary cases where a student has been found to have broken a school rule in association with a crime of violence or non-forcible sex offense are no longer protected from disclosure under federal student privacy laws. Victim information is protected

**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (1998)**-Amends the 1990 Campus Security Act to eliminate loopholes and expand reporting requirements. Statistics for certain off-campus areas have to be disclosed and schools with a security department must maintain a daily crime log.

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**Campus Sex Crimes Prevention Act (2000)**-Provides for the collection and disclosure of information about convicted, registered sex offenders either enrolled in or employed at institutions of higher education

**National Campus Safety Awareness Month (2008)**-Congress formally expressed their unanimous support for the Clery Center's partnership with colleges and universities across the country each September to increase awareness of campus safety issues.

**Higher Education Opportunity Act (2008)**-Adds emergency response and notification provisions to the Clery Act; expands existing statement of policy on the law enforcement authority of campus security personnel; expands hate crime statistics reported under the Clery Act to include larceny-theft, simple assault, intimidation and vandalism.; establishes safeguards for "whistleblowers and requires the U.S. Department of Education to report to Congress annually on Clery Act compliance and their work to implement the law.

### **Violence Against Women Act**

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill were amendments to the Clery Act that afforded additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. From its inception, the Clery Center provided insight to and advocated for this legislation and we are committed to supporting institutions as they evaluate their own campus process.

Every post-secondary institution participating in Title IV financial aid will be required to:

- compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities
- include within its Annual Security Report a statement of policy regarding:
  - its programs to prevent domestic violence, dating violence, sexual assault, and stalking
  - the procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from the report
  - educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and

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awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty, and includes:

- a statement that the institution prohibits these offenses
- the definition of domestic violence, dating violence, sexual assault, and stalking in its jurisdiction
- the definition of consent in reference to sexual activity
- safe and positive options for bystander intervention
- information on risk reduction to recognize warning signs of abusive behavior
- possible sanctions on protective measures the institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking
- procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about
  - importance of preserving evidence
  - to whom the alleged offense should be reported
  - options regarding law enforcement and campus authorities, including notification of the victim's option to notify law enforcement (on-campus and local police), be assisted by campus authorities in notifying law enforcement if the victim so chooses, the option to decline to notify such authorities, and, where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court
- provide a prompt, fair, and impartial investigation and resolution
- be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability
- the accuser and the accused are entitled to the same opportunity to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice
- both the accuser and the accused shall be simultaneously informed, in writing, of:
  - the outcome of the institutional disciplinary proceeding

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- the institution's procedures for the accused and the victim to appeal the results
- any change in the results that occurs prior to the time the results become final
- when the results become final
- procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault and stalking, which shall include statements that proceedings shall
- information about how the institution will protect the confidentiality of victims
- written notification of students about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims on-campus and in the community
- written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- a student or employee who reports to the institution that they have been a victim of one of the aforementioned crimes shall be provided with a written explanation of the student or employee's rights and options

#### **U.S. Department of Education Preliminary Guidance (2014 ASR)**

Negotiated rulemaking process for VAWA amendments to the Clery Act (Campus SaVE)

- Final regulations after the rulemaking process (draft regulations after April 1, 2014 consensus)
- ASR – October 2014 – Make "good faith" effort to include statistics for 2013 calendar year

#### **Annual Report-**

Schools have to publish an annual report every year by October 1st that contains 3 years worth of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police and where students should go to report crimes. The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

#### **Crime Statistics-**

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Each school must disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as student judicial affairs directors. Professional mental health and religious counselors are exempt from reporting obligations, but may refer patients to a confidential reporting system which the school has to indicate whether or not it has.

Crimes are reported in the following 7 major categories, with several sub-categories: 1.) Criminal Homicide broken down by a.) Murder and Nonnegligent Manslaughter and b.) Negligent manslaughter; 2.) Sex Offenses broken down by a.) Forcible Sex Offenses (includes rape), b.) Nonforcible Sex Offenses, c.) Domestic Violence, d.) Dating Violence and e.) Stalking; 3.) Robbery; 4.) Aggravated Assault; 5.) Burglary; 6.) Motor Vehicle Theft; and 7.) Arson. Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

The statistics are also broken down geographically into "on campus," "residential facilities for students on campus," noncampus buildings, or "on public property" such as streets and sidewalks. Schools can use a map to denote these areas. The report must also indicate if any of the reported incidents, or any other crime involving bodily injury, was a "hate crime."

#### **Access To Timely Information-**

Schools are also required to provide "timely warnings" and a separate more extensive public crime log. It is these requirements which are most likely to affect the day to day lives of students. The timely warning requirement is somewhat subjective and is only triggered when the school considers a crime to pose an ongoing "threat to students and employees" while the log records all incidents reported to the campus police or security department.

Timely warnings cover a broader source of reports (campus police or security, other campus officials, and off-campus law enforcement) than the crime log but are limited to those crime categories required in the annual report. The crime log includes only incidents reported to the campus police or security department, but covers all crimes not just those required in the annual report, meaning crimes like theft are included in the log. State crime definitions may be used.

Schools that maintain a police or security department are required to disclose in the public crime log "any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department." The log is required to include the "nature, date, time, and general location of each crime" as well as its disposition if known. Incidents are to be included within two business days but certain limited information may be withheld to protect victim confidentiality, ensure the integrity of ongoing investigations, or to keep a suspect from fleeing. Only the most limited information necessary may be withheld and even then it must be released "once the adverse effect...is no longer likely to occur."

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The log must be publicly available during normal business hours. This means that in addition to students and employees the general public such as parents or members of the local press may access it. Logs remain open for 60 days and subsequently must be available within 2 business days of a request.

### **Our Mission and Values**

The Campus Security Department is concerned about the safety and welfare of all campus members and guests and commits itself to promoting a safe and secure environment. Because no campus can totally isolate itself from crime, the Campus Security Department has developed a series of policies and procedures designed to ensure that every possible precaution is taken to protect the campus community.

### ***Security Department Information***

The Atlantic Cape Security Department reports to the Chief Business Officer, 5100 Black Horse Pike, Office J225, Mays Landing, NJ 08330, (609) 343-5116. The Security Department works closely with all departments of the College to ensure that safety policy and procedures are uniformly executed and conveyed in a clear and consistent manner to all the College's students, faculty, and staff.

Atlantic Cape's Charles D. Worthington Campus Security Office is located at 1535 Bacharach Blvd., Atlantic City, NJ 08401-4485, in the main lobby. It is open 24 hours a day, 365 days a year. Uniformed Security officers provide around-the-clock patrol and services to the campus community.

Campus Security officers are responsible for a full range of safety services to the campus community, including all crime report investigations, medical emergencies, fire emergencies, traffic accidents, and enforcement of all College policies including those relating to alcohol use, drug use, and weapons possession.

Campus Security officers submit incident reports on all crimes on campus reported to the department. These incident reports are reported and filed with the local police department and automatically become part of its record-keeping process. All serial numbers of vehicles and office equipment stolen from campus are reported through the local police department to the National Crime Information Center (NCIC).

### ***Reporting Emergencies, Crimes and other Incidents***

All criminal activity, suspicious activity, and other emergencies on campus should be reported directly to the Office of Security by any faculty/staff, student or visitor, of Atlantic Cape Charles D. Worthington Campus College community. Please dial 4841 from any college phone/hall phone or dial 609-343-4841 for all emergency or service calls, 24 hours a day. All classroom phones will automatically connect with security when picked up. Campus Security officers will meet you anywhere on campus to investigate and inquire about any of these events. If requested, the identity of the complainant will be kept confidential whenever possible. The Atlantic City Police Department is the local police authority with arrest powers for the Charles D. Worthington Campus. They can be reached by dialing 911 or 609-347-5780. The Security staff of Atlantic























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- Any victim/survivor of sexual misconduct will be triaged into an immediate appointment with an available counselor.
- If the sexual misconduct occurred in the remote past, the victim/survivor may be seen at a scheduled appointment, unless there is a request for an immediate appointment.
- If an incident occurs after hours on campus, it would be reported to security. Security will then inform the victim/survivor of options available to them.
- The victim/survivor will be treated with respect, support and consideration for the emotional stress that she/he may be experiencing.
- The mental health professional will work together with the victim/survivor throughout the journey toward healing and regaining the power that may feel lost as a result of the assault.
- If the victim/survivor goes to Counseling Services and has not already been evaluated by a medical professional, the victim/survivor will be strongly encouraged and educated about the medical assessment and treatment options available at Health Services and/or AtlantiCare Regional Medical Center, Cape Regional Medical Center or Shore Medical Center.
- If the victim/survivor chooses to have forensic evidence collected (“Rape Kit”), such evidence must be collected by a legally sanctioned and specially trained Sexual Assault Nurse Examiner (SANE). The victim/survivor, if possible, can have a member of counseling meet them at the hospital. This evidence is vitally important should the victim/survivor ever decide to take legal action against the perpetrator; however the collection of evidence does not require the victim/survivor to submit a formal report.
- The victim/survivor will decide what other resources of support she/he wishes to accept but will be educated by the mental health professional of Atlantic Cape’s Sexual Misconduct Policy and the options and support available. The importance of Health Services and Counseling services in the healing process of this trauma will be emphasized. The victim/survivor will be reminded of the confidential nature/privilege of these individuals.
- The victim/survivor will decide on a reporting course of action. The victim/survivor will hear the Health and or/Counseling professional describe all reporting options, **including the option not to report.**
- The victim/survivor can discuss the situation with any confidential resource before making a decision about reporting.
- Decisions surrounding reporting are controlled by the victim/survivor when she/he is seeking help and services from confidential resources. If the victim/survivor shares information with reporting resources, these individuals are legally obligated to report the event to the Office of Public Safety and Security and the Title IX Coordinator..

If a victim/survivor chooses to share information regarding a suspected sexual misconduct incident with the TITLE IX COORDINATOR, AN ADMINISTRATIVE STAFF MEMBER, FACULTY MEMBER, SUPPORT STAFF (Administrative Assistants, Athletic Department Staff, Library Assistants etc), PHYSICAL PLANT

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STAFF, and THE OFFICE OF PUBLIC SAFETY AND SECURITY. **Please be aware that these staff members are termed reporting resources.** The following protocol will be followed:

- **THE STAFF MENTIONED ABOVE ARE REPORTING RESOURCES.** Reporting resources are legally required to report allegations of sexual misconduct to the Title IX Coordinator, Title IX Co-coordinator or Office of Public Safety and Security.
- Sexual assault is a physical and psychological trauma, which necessitates the medical and emotional evaluation of the victim/survivor. Atlantic Cape staff should always encourage the victim/survivor to seek the services of Health and Counseling.
- The victim/survivor will be treated with respect, support and consideration for the emotional stress that she/he may be experiencing.
- The supportive response a victim/survivor receives from any reporting member of listed departments can be of great value in the healing process. How a victim/survivor is first received can deeply influence the healing process.
- Staff members are required by law to report an allegation of sexual misconduct to the Office of Public Safety and Security, the victim/survivor can decline to discuss or disclose any information that she or he is uncomfortable sharing. What this means is that when contacted by the Office of Public Safety and Security (or legal authorities) the victim/survivor may refuse to respond to questions or provide information. The victim/survivor always controls the amount of information she or he will share
- The victim/survivor will be provided confidential support options (Health Services, Counseling Services).

#### **Complaints and reports should be made as soon as possible after an incident.**

If the incident is an assault, seek immediate medical attention. Do not change clothing, shower, bathe, brush teeth or douche. Delay the above and going to the bathroom (if possible) until you are examined as this preserves evidence of the assault. Medical attention should be accessed at a local hospital.

#### Medical Centers

AtlantiCare Regional Medic 609-652-1000

Pomona

AtlantiCare Regional Medic 609-345-4000

Atlantic City

Cape Regional Medical Cen 609-463-2000

Cape May Court House

Shore Medical Center 609-653-3500

Somers Point

We encourage you to seek emotional support. When you are ready to talk about this issue, tell someone you trust. If you would like to bring a friend or family member to speak to someone on campus, you will be fully supported.

Public Safety and Security will report to police **ONLY** if requested by the complainant, and note further that any

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such report will be forwarded to the Title IX Coordinator.

On campus you may contact:

- Counseling Office: ML: 609.343.5667, Monday to Thursday 9:00 a.m. to 7:00 p.m., Friday 9:00 a.m. to 5:00 p.m.; Summer Hours: Monday to Thursday, 8:00 a.m. to 5:37 p.m., Friday (closed), AC: 609.343.4859, Monday to Thursday 9:00 a.m. to 5:00 p.m. CM: 609.463.8113, Monday to Friday 9:00 a.m. to 5:00 p.m.
- Public Safety and Security, 24 hours and weekends: ML, 609.343.5125, AC, 609.343.4841, CM, 609.463.6390 daytime, 609.463.3967 evening

After hours and on weekends, you can contact these confidential resources. Contact the rape treatment or crisis center located in your community. These agencies have a 24 hour, 7 days a week hotline. They can provide accompaniment to the hospital, police department and/or court, individual and group counseling for victims of sexual assault and advocacy.

Atlantic County Women's Center

P.O. Box 311

Northfield, NJ 08225

609.646.6767

Coalition Against Rape and Abuse, Inc.

P.O. Box 774

Cape May Court House, NJ 08210

609.522.6489

### **Campus and Police Reporting**

In addition to campus reporting, reports may also be made directly to the police, especially if a crime is or may be involved, by calling the following numbers:

- Emergency 9-1-1
- Atlantic City Police (Non-Emergency Number 609-347-5779)
- Township of Hamilton Police (Non-Emergency Number 609-625-2700)
- Middle Township Police (Non-Emergency Number 609-465-8700)

### **Campus Security**

Mays Landing Campus Security

(609) 343-5125

U Building

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Cape May County Campus Security	(609) 463-6390 daytime (609) 463-3967 evening	1st floor lobby
Worthington Atlantic City Center	(609) 343-4841	1st floor lobby

#### **Options for filing a report include:**

#### **Anonymous and Third Party Reporting**

The Title IX Coordinator and Co-coordinator accept anonymous and third-party reports of conduct alleged to violate this policy and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or Co-coordinator to investigate and respond as appropriate. The College may be limited in its ability to investigate an anonymous or third party report unless sufficient information is provided.

#### **Confidential Reporting**

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with counselors, health service providers, victim services advocates, community resources, local or state assistance agencies, or members of the clergy who are permitted by law to maintain confidentiality (except in extreme cases of immediacy of threat or danger or abuse of a minor or elder). The Jeanne Clery Act requires the college to report annually statistical information about crime on campus including sex offenses. Confidential resources must submit anonymous statistical information for timely warning and Clery Act reporting. Identifying information is not reported to or contained in the Clery report. If a reporting party is unsure of a resource's ability to maintain confidentiality, the reporting party is advised to ask them before talking to them.

#### **Formal Reporting**

Complainants are encouraged to speak to College officials, such as the Title IX Coordinator or Co-coordinator or Atlantic Cape Security, to make formal reports. Complainants have the right, and can expect, to have complaints taken seriously by the College when formally reported and to have those incidents investigated and properly resolved through these procedures. Formal reporting still affords privacy to the reporter as only a small group of officials who need to know will be told. Information will be shared as necessary with investigator(s), witnesses, the respondent, and a hearing board if deemed appropriate. While this process is not confidential, the number of people with this knowledge will be kept to as few as reasonably possible to preserve a complainant's rights and privacy.

#### **Campus and Police Reporting**

If someone is in immediate danger or is a victim of a crime, call 9-1-1. Some acts of discrimination and harassment may also be crimes, such as sexual assault or stalking. Besides reporting to campus security, it is strongly recommended that allegations of criminal conduct be reported to law enforcement even when it is not clear whether the conduct rises to the level of a crime. Regardless, law enforcement can assist with obtaining medical care, getting immediate law enforcement response and protection, connecting with victim advocate services and counseling support, initiating a criminal investigation as appropriate and answering questions about the criminal process.

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### **Resolution Processes**

Employees alleging discrimination, harassment or sexual misconduct which involves an employee (who is not also a student), may initiate either an informal or formal complain with the Affirmative Action Officer.

### **Informal Resolution Process**

Informal resolution is an alternative to the formal complaint resolution process. The Title IX Coordinator and Co-coordinator will determine if informal resolution is a possible option, based on the willingness of the parties and the nature of the alleged conduct. Sanctions are generally not pursued as the result of an informal resolution process, though the parties may agree to appropriate remedies. The Title IX Coordinator will keep records of any resolution that is reached. The College reserves the right to cancel informal resolution if sufficient evidence suggests a formal investigation or other sanctions or remedies may be necessary and appropriate.

It is not necessary to pursue informal resolution first in order to make a formal complaint, and anyone participating in informal resolution can stop that process at any time and request to continue through the formal process.

In the event that an informal resolution is not reached, is not appropriate, or is not pursued, the student or employee who is alleging the discrimination, harassment, or retaliation which involves a student may initiate a formal investigation.

### **Formal Resolution Process**

#### **Title IX Coordinator and Co-coordinator**

Cynthia Correa is the Director of Student Services and Campus Management (Atlantic City Campus) and Title IX Coordinator for the college. She is available to anyone seeking additional information or wishing to file a complaint. Her office is located at the Worthington Campus, 1535 Bacharach Blvd., Atlantic City, NJ (609) 343-4897, [ccorrea@atlantic.edu](mailto:ccorrea@atlantic.edu), Office: Student Services, room 145

#### **Title IX Co-coordinator**

Tammy DeFranco, Director, Student Services and Campus Management (Cape May Campus) and Title IX Co-coordinator for the college. She is available to anyone seeking additional information or wishing to file a complaint. Her office is located at the Cape May campus, 341 Court House-South Dennis Road, Cape May Court House, New Jersey 08210, (609) 463-8113, [tadefran@atlantic.edu](mailto:tadefran@atlantic.edu), Office: Student Services, room 127

#### **Role of the Title IX Coordinator and Co-coordinator**

The Title IX Coordinator and Co-coordinator are charged with coordinating the College response to reports of misconduct under this procedure. The Title IX Coordinator and Co-coordinator do not serve as advocates for either the complainant or the respondent. The Title IX Coordinator and Co-coordinator will explain to both parties the informal and formal processes outlined below and the provisions for confidentiality. Where appropriate, the Title IX Coordinator and Co-coordinator will provide to both parties information on options for obtaining advocacy, medical and counseling services, and making criminal reports, and will assist with

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providing information on other resources. The Title IX Coordinator and Co-coordinator will coordinate with other campus officials to take appropriate interim actions such as no contact orders, academic accommodations, and work assignments.

#### **Federal Timely Warning Obligations**

It is the policy of Atlantic Cape Public Safety and Security to issue timely warnings and crime alerts with an end towards maintaining a well-informed community. It is further the policy of this department to maintain compliance with applicable features of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as mandated by the Department of Education.

#### **Filing a Complaint**

Any individual who believes that this procedure has been violated should contact the Title IX Coordinator or Title IX Co-coordinator.

#### **Complaint Intake**

Following receipt of notice or a complaint, the Title IX Coordinator or Co-coordinator will normally, within five college business days, make an initial determination as to whether the information has merit to reasonably indicate there may have been a violation of College policy. If it appears a violation may have occurred, an investigation will begin. If the complaint does not appear to allege a policy violation or if conflict resolution is desired by the complainant and appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation. An investigation will be pursued if there is sufficient information to suggest a policy violation, a pattern of misconduct, and/or a perceived threat of further harm to the community or any of its members may exist.

#### **Interim Action**

The College will implement interim and/or protective actions upon notice of alleged discrimination, harassment, and/or retaliation and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has violated this policy.

Interim actions include but are not limited to: no contact orders, no trespass notices, providing counseling and/or medical services, academic support, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and referral to campus and community resources.

The College may suspend, on an interim basis, a student or student organization or place an employee on administrative leave pending the completion of the investigation and procedures. In cases in which an interim suspension or administrative leave is imposed, the student, employee, or student organization will be given the opportunity to meet with an appropriate administrator prior to such action being imposed, or as soon thereafter as reasonably possible, to show cause why the action should not be implemented. Violation of interim provisions will be grounds for disciplinary action.

During an interim suspension or administrative leave, a student or employee may be denied access to the

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College campus, facilities, or events, either entirely or with specific application. As determined by the appropriate administrative officer, this restriction includes classes and/or all other College activities or privileges for which the individual might otherwise be eligible. At the discretion of the appropriate administrative officer, alternative coursework options may be pursued to ensure as minimal an impact as possible on the respondent student. At the discretion of the appropriate administrative officer, alternative employment/work options may be pursued to ensure as minimal an impact as possible on the respondent employee.

#### **Notice of Charges**

Once an investigation has commenced, written notice of the allegations will be provided to the parties involved. If the respondent (person who complaint has been made) is an employee, the written notice of the allegation will be copied to the employee's department head/director, dean, vice president, and president.

#### **Investigation**

If a complainant wishes to pursue a formal complaint or if the College determines an investigation is necessary, the Title IX Coordinator will begin the investigation, usually within five college business days of determining that a complaint should proceed. Investigations will be thorough and impartial and will entail interviews with relevant parties and witnesses, and obtaining available evidence. Conflict of interest (real or perceived) by the investigator or appropriate staff will not be allowed. The College aims to complete investigations within 60 days, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

Investigation may take longer when initial complaints fail to provide direct first-hand information. The College may undertake a short delay (usually 3-10 days, to allow evidence collection) when criminal charges are being investigated. Complainants will be informed, at regular intervals, of the status of the investigation. College action will continue regardless of the status of civil or criminal charges involving the same incident. A complainant may proceed with both a criminal charge and a request for a College resolution simultaneously.

#### **Student Withdrawal While Charges Pending**

Should a responding student decide to withdraw from the College and/or not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the College unless any and all sanctions have been satisfied. The Title IX Coordinator or Co-coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

#### **Employee Resignation While Charges Pending**

Should a responding employee resign while charges are pending, the records of the Title IX Coordinator and Co-coordinator will reflect that status. College responses to any future inquiries regarding employment references for that individual will be limited to job title and dates of employment. Should an employee who is not placed on administrative leave by the college decide to take other leave time and not participate in the investigation and/or hearing, the process will nonetheless proceed in the employee's absence to a reasonable resolution and that employee will not be permitted to return to the College unless any and all sanctions have been satisfied. The

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Title IX Coordinator and Co-coordinator will continue to act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

#### **Investigation Findings**

##### **For Students**

Upon receipt of the investigative report, the Title IX Coordinator or Co-coordinator will forward it to the Vice President of Student Affairs and Branch Campus Management or designee for an appropriate hearing per the Student Code of Conduct procedures. During a hearing:

- Both the complainant and the respondent will receive equal notice of the process.
- The complainant will have the opportunity to be present throughout the entire Hearing.
- The complainant will be entitled to the same opportunity to have others present during a Hearing as is provided to the respondent, including College staff member(s);
- Both the complainant and the respondent will have the opportunity to present witnesses with information pertinent to the alleged sexual harassment, sexual misconduct or sexual assault, and any relevant information to the Hearing panel during the conduct process;
- The complainant will be provided options for reasonable alternative arrangements if he or she does not want to be present in the same room as the respondent during the Hearing;
- Testimony regarding any party's past sexual conduct will ordinarily not be permitted, except in those instances where there was a prior sexual relationship between the parties and the testimony may be relevant to the issue of consent. If the respondent is found responsible for the conduct alleged in the complaint, his or her past sexual misconduct, if any, may be considered in determining the appropriate outcome.
- The College will document the proceedings and keep appropriate records secured in the office of the Title IX Coordinator.

Following the hearing, the decision of whether a policy violation has occurred will be determined by using a preponderance of the evidence standard ([see Preponderance chart](#)). A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If, following the hearing, the decision is that no policy violation has occurred the process will end. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator will be notified of the finding in writing.



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### **Explaining the Preponderance Standard**

#### The Preponderance Standard

If, following a hearing, the student is found to have violated College policy, appropriate disciplinary sanctions will be determined via consultation with the Title IX Coordinator or Co-Coordinator and the office of Student Development and Judicial Affairs. The Vice President of Student Affairs and Branch Campus Management (or designee) will notify the respondent, the complainant, and the Title IX Coordinator in writing of the Vice President's decision. This written decision must be issued normally within fifteen college business days of the date of receipt of the investigative report from the Title IX Coordinator or Co-coordinator.

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### **For Employees**

Investigations will be thorough and impartial and will entail interviews with relevant parties and witnesses, utilizing available evidence. Both the complainant and the respondent will have the opportunity to present witnesses with information pertinent to the alleged sexual harassment, sexual misconduct or sexual assault, and any relevant information. The investigator will document the proceedings. Any complaint of alleged sexual harassment, sexual misconduct or sexual assault involving an employee as complainant and employee as respondent, so long as neither party is also a student, should be filed and will be referred to the Affirmative Action Officer and Human Resources.

Upon receipt of the investigative report, the Title IX Coordinator will determine if this policy has been violated by using a preponderance of the evidence standard. A finding of a policy violation by a preponderance of the evidence means that it is more likely than not that the policy violation occurred. If the Title IX Coordinator decides that no policy violation has occurred, then the process will end. Regardless of the outcome, the complainant and the respondent will be notified of the finding in writing. The respondent's department head/director, Dean, Vice President, and the President will also be notified of the finding.

In the event that the employee violated College policy, the office of Human Resources and the employee's Vice President/Dean will collaborate to decide appropriate discipline. This decision will be informed based on the information received from the Title IX Coordinator or Co-Coordinator. Regardless of the outcome, the complainant, the respondent, and the Title IX Coordinator or Co-coordinator will be notified in writing of the outcome normally within twenty college business days of the date of the notice from the Title IX Coordinator. If the Vice President serves as a party or witness in the investigation, the recommendation from the Human Resources Office will be sent to the President for determination of disciplinary action.

### **Factors Considered When Determining Employee Discipline**

Factors to be considered when determining employee discipline can include, but not limited to:

- The nature of, severity of, and circumstances surrounding the violation
- The respondent's disciplinary history
- Previously founded complaints or allegations against the respondent involving similar conduct
- Any other information deemed relevant by the Title IX Coordinator
- The need to bring an end to the discrimination, harassment, and/or retaliation

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- The need to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the victim and the community

#### **Student Sanctions**

For examples of the range of potential disciplinary sanctions against students, see the section of the Student Handbook titled Policies and Procedures.

#### **Appeals**

Appeals of the decision of the Vice President Student Affairs and Branch Campus Management (for students) or the Dean/Vice President/President (for employees) may be filed by the complainant, the respondent or both. All requests for appeal considerations must be submitted in writing to the Title IX Coordinator or Co-coordinator if a student or, if an employee, to the Office of Human Resources within five college business days of the date of the final written notice.

Appeals are limited to allegations of the following:

- A procedural error or omission occurred that significantly impacted the outcome.
- There is new evidence, unknown or unavailable during the investigation, that could substantially impact the finding or discipline. A summary of this new evidence and its potential impact upon the investigation must be included in the appeal.
- The discipline imposed substantially disproportionate to the severity of the violation.

The original finding and discipline/responsive actions will stand if the appeal is not timely or is not based on the grounds listed above, and such a finding and discipline/responsive action(s) are final. When a party requests an appeal, the other party (parties) will be notified and given an opportunity to respond.

**For students:** In cases where the student is the respondent, the Director of Student Development and Judicial Affairs or designee will review the request.

**For employees:** In cases involving employee conduct, the Office of Human Resources will review the request.

- Where the designee finds that at least one of the grounds is met, and proceeds with the appeal, additional principles governing the hearing of appeals include the following:
- The original decision will be changed only when there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the complaint. Appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the grounds for appeal.

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- Discipline will not be imposed pending the outcome of the appeal. Interim and/or protective actions may be imposed and/or continued as appropriate.
- The Human Resources Office normally will render a decision within ten college days to the Title IX Coordinator who will normally provide written notice of the appeal to all parties within three college business days from the date of the appeal review.
- All parties will be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted under this procedure.

#### **Failure to Complete Sanctions/Discipline**

All respondents are expected to comply with conduct sanctions/discipline within the time frame specified in their written notice. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanctions/discipline and/or suspension, expulsion, and/or termination from the College. For students, failure to comply may result in a hold to prevent future registration.

#### **Remedial Actions: Employee**

In addition to the interim actions outlined "for students", the Office of Human Resources (or designee for employees) may provide remedial actions intended to address the short or long-term effects of harassment, discrimination, and/or retaliation. That is, remedial actions may be taken at the conclusion of the process in addition to any actions that may have been taken on an interim basis, in order to redress harm to the complainant and the community and to prevent further harassment or violations. Remedial actions may also be used when, in the judgment of the Title IX Coordinator, Co-coordinator (or designee), the safety or well-being of any member(s) of the campus community may be jeopardized by the presence on campus of the respondent or the ongoing activity of a student organization whose behavior is in question.

These remedies may include referral to counseling and health services or to the Employee Assistance Program, altering work arrangements, providing campus escorts, implementing contact limitations between the parties, or offering adjustments to academic deadlines and/or course schedules.

#### **Statement of Rights for Complainants and Respondents**

Both complainants and respondents will be afforded the following rights under this policy:

- To be treated with respect by College officials
- To utilize appropriate campus support services.
- To experience a safe educational and work environment
- To refuse to have an allegation resolved through informal procedures
- To be free from retaliation

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- To have complaints heard in substantial accordance with these procedures
- To reasonable and necessary participation in the process

#### **Federal Enforcer**

The U.S. Department of Education, Office for Civil Rights (OCR) is the federal agency charged with enforcing compliance with Title IX. Individuals with complaints of this nature always have the right to file a formal complaint with the United States Department Education:

Office for Civil Rights (OCR)

400 Maryland Avenue, SW

Washington, DC 20202-1100

Customer Service Hotline #: 800.421.3481

Facsimile: 202.453.6012

TDD#: 877.521.2172

Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: [www.ed.gov/ocr](http://www.ed.gov/ocr)

#### **Sexual Assault Information**

##### **Sexual Assault: It Could Happen to You or Someone You Know**

##### **Why Read This Brochure?**

The statistics point out the need. In the U.S., a rape is reported about once every six minutes.\* It is one of the fastest growing violent crimes in the United States and college age students are extremely vulnerable to this type of criminal violence.

A survey of more than 6,000 students from 32 colleges in the U.S., found that one of every six female students reported having been a victim of rape or attempted rape during the proceeding year. One out of every fifteen male students reported committing rape or attempting rape during that same period.\* These statistics alone are scary, but combine it with the fact that most sexual assaults are not even reported, and the figures become even more alarming.

##### **What Is Sexual Assault And Acquaintance Rape?**

Rape is sexual intercourse that is perpetrated against the will of a victim, involving the threat or use of force. It

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can also occur without force, or threat of force, if the perpetrator has sex with someone incapable of giving consent. Acquaintance rape is rape committed by a known assailant and it is the most prevalent form of rape involving college age victims.

Rape is only one form of sexual assault. Sexual assault includes: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger) and criminal sexual contact (the unwanted touching of an intimate part of another person for the purpose of sexual arousal). Although women are most often the victim of sexual assault, it is important to remember that men can be sexually assaulted also.

#### **Protecting Against Acquaintance Rape\*\***

##### **Men:**

1. Listen carefully. Take time to hear what the woman is saying. If you feel she is not being direct or is giving you a “mixed message”, ask for clarification.
2. Don’t fall for the common stereotype that when a woman says “No” she really means “Yes.” No” means “No.” If a woman says “No” to sexual contact, believe her and stop.
3. Remember that date rape is a crime. It is never acceptable to use force in sexual situations, no matter what the circumstances.
4. Don’t make assumptions about a woman’s behavior. Don’t automatically assume that a woman wants to have sex just because she drinks heavily, dresses provocatively, or agrees to go to your room. Don’t assume that just because a woman has had sex with you previously she is willing to have sex with you again. Also, don’t assume that just because a woman consents to kissing or other sexual intimacies she is willing to have sexual intercourse.
5. Be aware that having sex with someone who is mentally or physically incapable of giving consent is rape. If you have sex with a woman who is drugged, intoxicated, passed out, incapable of saying “No,” or unaware of what is happening around her, you may be guilty of rape.
6. Be especially careful in group situations. Be prepared to resist pressure from friends to participate in violent or criminal acts.
7. “Get involved” if you believe someone is at risk. If you see a woman in trouble at a party or a male friend using force or pressuring a woman, don’t be afraid to intervene. You may save the woman from the trauma of sexual assault and your friend from the ordeal of criminal prosecution.

Both men and women should be especially careful in situations involving the use of alcohol or drugs. Alcohol

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and drugs can interfere with your ability to assess situations and to communicate effectively.

#### **Women:**

1. Know your sexual intentions and limits. You have the right to say “No” to any unwanted sexual contact. If you are uncertain about what you want, ask the man to respect your feelings.
2. Communicate your limits firmly and directly. If you say “No,” say it like you mean it. Don’t give mixed messages. Back up your words with a firm tone of voice and clear body language.
3. Don’t rely on “ESP” to get your message across. Don’t assume that your date will automatically know how you feel, or will eventually “get the message” without your having to tell him.
4. Remember that some men think that drinking heavily, dressing provocatively, or going to a man’s room indicates a willingness to have sex. Be especially careful to communicate your limits and intentions clearly in such situations.
5. Listen to your gut feelings. If you feel uncomfortable or think you may be at risk, leave the situation immediately and go to a safe place.
6. Don’t be afraid to “make waves” if you feel threatened. If you feel you are being pressured or coerced into sexual activity against your will, don’t hesitate to state your feelings and get out of the situation. Better a few minutes of social awkwardness or embarrassment than the trauma of sexual assault.

#### **Protecting Against Stranger Rape\*\***

##### **Walking on Campus:**

1. Always be aware of what is going on around you. Stay alert to your surroundings.
2. Walk with confidence. Hold your head up and shoulders straight.
3. At night, stick to well-lighted, populated areas and walk with another person. Avoid walking alone or in isolated areas.
4. Use campus escort services.
5. Take special precautions in parking structures, stairwells, elevators, bathrooms, and dark areas with shrubbery. Studies show that many assaults by strangers occur in these places.
6. If you suspect that you are being followed, go to a place where there are other people as soon as possible. If you choose to run, run as fast as you are able and scream to attract attention or summon help.
7. Follow your gut instincts. If you sense that you may be at risk or in danger, try to get out of the situation. For example, if you see a suspicious looking person or someone who makes you feel uncomfortable in a parking structure or lot, leave the area. Report your suspicions to the authorities.

Despite the precautions taken, you or a friend could still become a victim. It is important to remember that it is

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not the victim's fault. There is nothing for the victim to be ashamed of or feel guilty about.

#### **What To Do If You Or Someone You Know Is Sexually Assaulted**

1. Get to a safe place.
2. Report the assault to the police. If the assault occurs on campus, contact Campus Security, ext. 5125. Reporting an assault and prosecuting are not the same. The decision to prosecute can be made at a later time. Prosecution however, is an important means in preventing violence against women.
3. Preserve all physical evidence. Don't change clothes, shower, bathe, douche or use the toilet. Don't disturb anything at the scene of where the sexual assault occurred.
4. Go to a hospital emergency room for medical attention. Emergency doctors and nurses are specially trained to be sensitive to the needs of victims and know how to find and preserve evidence. Medical treatment will be provided for any injuries sustained and tests will be sustained and test will be conducted to determine the presence of sexually transmitted diseases or pregnancy. Take a change of clothing, as you may be asked to leave your clothes as evidence.
5. Contact the rape treatment or crisis center located in your community. These agencies have a 24 hour, 7 days a week hotline. They can provide accompaniment to the hospital, police department and/or court, individual and group counseling for victims of sexual assault and advocacy.
6. Atlantic County Women's Center

P.O. Box 311

Northfield, NJ 08225

(609) 646-6767

Coalition Against Rape and Abuse, Inc.

P.O. Box 774

Cape May Court House, NJ 08210

(609) 522-6489

#### **Atlantic Cape's Policies and Programs to Prevent Sexual Assault**

##### **Policy**

Atlantic Cape's policy on sexual assault states that the college will not tolerate sexual assault in any form, including acquaintance rape. Where there is probable cause to believe that the college's regulations prohibiting sexual assault have been violated, the college will pursue strong disciplinary action through its own channels.



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This discipline includes the possibility of suspension or dismissal from the college. Procedures may be found in the Student Handbook Calendar under Misconduct Appeal Process, as well as in the Institutional Procedures and Policy Handbook.

In addition, the following will be incorporated into the established procedures:

#### **Rights of the accuser and the accused**

- Both the accuser and the accused are entitled to have others present throughout the disciplinary hearing.
- The accuser and the accused will be immediately informed of the outcome of any campus disciplinary proceeding dealing with charges of sexual assault.
- The accuser will have the right to attend the entire disciplinary hearing if he or she so chooses.
- The accuser's irrelevant past sexual history will not be discussed during the hearing.
- The accuser will have right to make a 'victim impact statement' during the proceeding' and suggest punitive action to be taken by the college.

An individual charged with sexual assault can be prosecuted under New Jersey criminal statutes and disciplined under Atlantic Cape's institutional policies. Even if the criminal justice authorities choose not to prosecute, the college can pursue disciplinary action.

#### **Programs**

Campus sexual assault program information and counseling are provided by the college's Counseling Department and Affirmative Action Officer. These areas offer workshops, conferences and personal counseling on the college's policy and procedures and student and employee rights.

#### **Escort Services**

Upon request, Atlantic Cape's Security Department may escort individuals to their cars on campus. This service is available by stopping at the security desk of the respective campus or by calling:

Mays Landing Campus Security (609) 343-5125

Cape May County Campus (609) 463-6390

Security daytime  
(609) 463-3967  
evening

Worthington Atlantic City Center (609) 343-4841

\*Adams, A., Abarbanel, G. (1988). "Sexual Assault on Campus: What Colleges Can Do," Santa Monica, CA: Rape Treatment Center, Santa Monica Hospital Medical Center.

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\*\*reprinted with permission: Discussion Guide, Rape Treatment Center, Santa Monica Hospital, 1990

For more information, call Anita Polanco, (609) 343-5098.

Atlantic Cape would like to thank the Rape Treatment Center at Santa Monica Hospital, for their assistance with this brochure.

<http://www.atlantic.edu/studentServ/assaultKnow.htm>

## **Victims' Bill of Rights**

### The Federal Campus Sexual Assault Victims' Bill of Rights

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as the "Clery Act"), 20 U.S.C. § 1092(f), was named after a 19-year old freshman at Lehigh University who was raped and murdered in her campus dorm. The Clery Act requires colleges and universities receiving federal aid to: keep and disclose crime information from, on, or near campus (within the Clery geography); provide an Annual Security Report ("ASR") by October 1st of each school year; maintain a crime log and crime statistics; have a policy to timely disclose emergencies or threats to the campus community; as well as have policies to handle reports of missing students. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights.

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements under the Jeanne Clery Act.

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

For more information on the Jeanne Clery Act, go to: <http://clerycenter.org/summary-jeanne-clery-act>

For information to view Atlantic Cape's Annual Campus Security Report Policies, Procedures & Crime Statistics

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go to: <http://www.atlantic.edu/about/right-to-know.html>

#### **\*\*Alcohol Policy\*\***

Policy No. 812

Area: Human Resources

Adopted: 04/23/96

Revisions Approved:

Description: Alcoholic Beverages

The unauthorized possession, use or distribution of alcoholic beverages on college premises is prohibited.

#### **\*\*Illegal Drugs\*\***

Policy No. 820

Area: Human Resources

Adopted: 04/23/96

Revisions Approved:

Description: Drugs and Intoxicants

The possession, use, sale or distribution of illegal drugs or narcotics on college property or at any college

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sponsored function is prohibited.

#### **\*\*Weapons\*\***

Policy No. 862

Area: Human Resources

Adopted: 02/01/00

Revisions Approved: 02/27/01

Description: Possession of Firearms

The possession of firearms by employees and students on College property, College sponsored housing or at any College activity is prohibited.

This policy excludes law enforcement personnel and bank couriers on official business with the College and students who are active duty law enforcement personnel.

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#### **\*\*Threatening and Violent Behavior\*\***

Policy No. 215

Area: Student Affairs

Adopted: 5/25/01

Revisions Approved: 1/25/11

Description: Threatening and Violent Behavior Policy

Atlantic Cape Community College is a place where students, staff and guests expect safety and security while pursuing academic excellence and college activities.

Accordingly, any Atlantic Cape student who verbally or physically threatens the safety of other students, staff, faculty or campus guests will be immediately suspended from the college pending a disciplinary hearing.

The outcome of that hearing may result in penalties including but not limited to additional suspensions or dismissal from the college depending on the circumstances of the offense.

Students who are suspended or dismissed from the college are banned from all Atlantic Cape campuses,

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learning sites, and college-sponsored events during the period of their suspension or dismissal.

Students who violate this ban will be charged with trespassing under New Jersey criminal codes.

#### **\*\*Student Personal Conduct\*\***

Policy No. 208

Area: Student Affairs

Adopted: 04/23/96

Revisions Adopted: 04/26/11

Description: Student Personal Conduct

The College embraces the twin principles of individual responsibility on the part of students and due process on the part of the College administration: Students will be publicly informed of the standards of conduct expected of them. A judicial system will be established for the fair handling of disciplinary matters, incorporating an appeals process.

**STUDENT CODE OF CONDUCT:** On admission to Atlantic Cape, each student is expected to act in a responsible manner which conforms with generally accepted standards of adult behavior. Students are expected to familiarize themselves with the College's code of conduct.

It is expected that all students will show courtesy and respect for each other and for administrative officers, faculty and employees. Students must understand and accept the necessity for various College regulations and they must comply with directives of those authorized to enforce regulations.

Students are expected to respect the property of the College and that of others. Damage to or destruction of such property will be considered a matter for disciplinary action.

All students are expected to present an appearance that is neat, clean and in good taste. Students also are expected to recognize the importance of their personal appearance. Proper dress on campus, therefore, is expected. Some College programs reserve the right to require specific dress/uniform standards.

Indiscriminate, obscene language shows lack of respect for self and others. Students should show courtesy and respect for themselves and others by refraining from this practice.

Any threat or hindrance to the instructional process or the daily life of the campus is prohibited and will be enforced by those authorized to do so.

Possession, use or distribution of alcoholic beverages on the College premises is prohibited regardless of age. This includes all student sponsored off-campus events and any College sponsored event in which students participate or attend as students and not guests.

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Possession, distribution or use of illegal drugs or narcotics on campus or at any College sponsored function is prohibited.

Students who violate these restrictions shall be subject to appropriate disciplinary action up to and including dismissal and may be subject to criminal prosecution.

#### **\*\*Student Academic Conduct\*\***

Policy No. 209

Area: Student Affairs

Adopted: 04/23/96

Revisions Approved: 6/24/03, 1/26/10

Description: Student Academic Conduct

**Attendance:** The College believes there is a correlation between academic growth and classroom attendance and students are expected to keep classroom appointments. Policies on attendance are announced by the individual faculty member and it is the student's responsibility to know and follow the attendance policy for each course.

**Academic Honesty:** Atlantic Cape expects unwavering integrity in work submitted from students. Acts of cheating or plagiarism will not be tolerated. Students are expected to give credit to all individuals who contributed to the completion of a project or paper; to cite the specific source of all information, ideas and quotations not original to the author; to honestly follow procedures established by instructors for examinations, laboratory experiments, reports and projects. All computer software is the property of Atlantic Cape and is bought under license from the manufacturer. Students may not make copies of software for personal use without the authorization of the lab manager.

#### **\*\* Student Grievance\*\***

Policy No. 210

Area: Student Affairs

Adopted: 04/23/96

Revisions Approved: 1/26/10

Description: Student Grievance

Atlantic Cape is dedicated to the goals of fairness in all of its procedures and practices. If for any reason, a student believes he or she is the victim of unjust practices, a comprehensive process for grievance resolution

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and appeal are available.

#### **\*\* Student Abuse Program Appended\*\***

Policy No. 211

Area: Student Affairs

Adopted: 04/23/96

Revisions Approved:

Description: Student Abuse Program Appended

The Board of Trustees of Atlantic Cape recognizes that alcohol and drug abuse has become an increasingly severe public health and safety problem with a particularly adverse effect on young adults. The Board also notes that the Department of Higher Education has developed a policy paper to provide assistance to all New Jersey colleges and universities concerning the implementation of comprehensive alcohol and drug abuse prevention policies and programs, and that the State Assembly's Special Committee on College Alcohol Abuse and Hazing has recommended that New Jersey's institutions of higher education increase the awareness of students concerning the danger of abuse of alcohol and other drugs and provide comprehensive treatment services for students in need of assistance.

The College acknowledges the need for a Substance Abuse Policy for students. This policy addresses the standards of conduct, sanctions for the violation of standards of conduct and applicable legal sanctions.

#### **\*\* Cyber Harassment\*\***

Policy No. 216: Cyber Harassment

Area: Student Affairs

Adopted: June 23, 2009

Revised: 1/25/11

Description: Cyber Harassment

Atlantic Cape requires a college community free from threats, intimidation, stalking, harassment and other harassing behaviors. These behaviors may include, but are not limited to, the following:

Repeated, unwanted/unsolicited contact that includes face-to-face contact, telephone calls, voice messages, text messages, electronic video and/or photography, electronic mail, instant messages, written letters, unwanted gifts

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Verbal or written abuse, threats, harassment, coercion, or any other conduct that places another individual in reasonable fear of his/her safety through words or actions directed at that person, or substantially interferes with the working, educational or personal environment of the individual;

Persistent offensive, threatening communication through the internet via email, chat rooms and other electronic device;

Students who are found responsible for Cyber Harassment will be in direct violation of the Student Code of Conduct Policy.

*Contributing Sources: Grand Rapids Community College Student Code of Conduct, Retrieved 11/29/08; Howard Community College Stalking and Harassment Policy, Retrieved 11/4/08*

#### **\*\* Bullying \*\***

Policy No. 217: Bullying

Area: Student Affairs

Adopted: 12/14/10

Description: Bullying

Violation of the following policy may result in disciplinary action

Bullying and or harassment is defined as:

Any overt or covert gesture, written, verbal or physical act, or any electronic communication that is reasonably perceived as being motivated by characteristics such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or mental, physical, or sensory disability, or by any other distinguishing characteristic, that takes place on the property of Atlantic Cape Community College or at any function sponsored by Atlantic Cape and that affects an individual of one or more of the aforementioned groups in the following manner:

- a) Has the effect of insulting, intimidating or in such a way as to cause a disruption in the educational process;  
or
- b) Creates a hostile environment; or
- c) Infringes on the rights of said individuals; or
- d) Causes great distress, loss of confidence or self-worth

Students that are found in violation of the Bullying Policy will be in direct violation of the Student Code of Conduct Policy of the Threatening and Violent Behavior Policy. The disciplinary process for these policies will be enforced.



# ATLANTIC CAPE SECURITY AND PUBLIC SAFETY

## Charles D. Worthington Campus

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### **\*\* Involuntary Withdrawal\*\***

Policy No. 218: Involuntary Withdrawal

Area: Student Affairs

Adopted: 12/13/11

Revisions Approved: 5/28/13

Description: Involuntary Withdrawal

Atlantic Cape Community College (Atlantic Cape) is fully committed to the pursuit of academic excellence, student learning, and providing quality instruction to its students. If the nature of a student's behavior is determined to pose a threat to self or others, the College may invoke a procedure that determines whether a student will be removed from the campus community. While the Student Code of Conduct ultimately governs student behavior, it may not serve as the appropriate venue for adjudication in all cases.

In the event a student's behavior encroaches upon the orderly functioning of Atlantic Cape, the Dean of Students reserves the right to remove a student from the College. The Dean of Students will use his/her discretion to define what is sufficiently threatening and/or disruptive to warrant invoking this procedure.

Whenever possible, a voluntary withdrawal will be encouraged.

### **Involuntary Medical Withdrawal**

The Dean of Students, in consultation with the College Nurse and other College representatives that form the Behavioral Assessment Team, will make every attempt to meet with the student to make an individualized and objective assessment to determine if a student needs to be separated from the College to protect the safety of the student and/or others, or the integrity of the College's learning environment.

If such a determination is made, the College will inform the student immediately, in person if possible, but the student will always receive written notification. This written notification will include the reason for the withdrawal and the conditions for reentry if it is an option.

### **Appeal Procedure for Involuntary Medical Withdrawal**

If a student believes that a decision for Involuntary Medical Withdrawal is unreasonable or that the procedures and/or information relied upon in making the decision were wrong or unfair, the student may appeal the decision.

The appeal must be in writing to the Dean of Students within five days of the receipt of the written

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notification. Appeals should clearly state the specific unreasonable, wrong, and/or unfair facts and should present relevant information to support the statements.

If the Dean of Students is not sufficiently convinced that the student should be reinstated, an assessment by a college identified medical provider may be requested, at the student's expense.

#### **Readmission from Involuntary Medical Withdrawal**

Students seeking readmission will be asked to sign a release form so that College representatives who will be involved in evaluating the student's return can have access to the student's outside health care providers and have the ability to openly discuss relevant aspects of the student's condition.

The student must submit a letter indicating his/her plan to re-enroll in the College. The letter must include a report from a licensed physician that includes discussion of the student's current health status, course of treatment undergone during the leave, as well as specific recommendations for the student and the College with respect to the student's successful return to the College. The report will also address the student's readiness to return to academic and co-curricular activities, the student's on-going treatment needs, the student's readiness to return to competitive sports (if the student is an athlete) and any other suggestions the health care provider deems appropriate.

The Dean of Students, College Nurse and other College representatives will review the information provided by the student and evaluate whether the student is ready to be reintroduced to the College community.

If the student is allowed to return, he/she will meet with the Dean of Students to discuss the conditions of re-entry. If the student does not follow the plan, the College will have the right to revoke its decision to readmit the student and will have the right to require the student to resume his/her medical leave immediately.

If the medical withdrawal is upheld, the student will receive a "W" in all courses.

Tuition and fee refunds taken during the course of the semester will be made in accordance with the College's refund policy.

Once the decision has been made, the student will be notified in writing. This decision will be final.

#### **Involuntary Mental Health Withdrawal**

The Dean of Students, in consultation with the Director of Counseling and other College representatives that form the Behavioral Assessment Team, will make every attempt to meet with the student to make an individualized and objective assessment to determine if a student needs to be separated from the College to protect the safety of the student and/or others, or the integrity of the College's learning environment.

If such a determination is made, the College will inform the student immediately, in person if possible, but the student will always receive written notification. This written notification will include the reason for the withdrawal and the conditions for reentry if it is an option.

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### **Appeal Procedure for Involuntary Mental Health Withdrawal**

Follow the same appeal procedures for Involuntary Medical Withdrawal.

### **Readmission from Involuntary Mental Health Withdrawal**

Students seeking readmission will be asked to sign a release form so that College representatives who will be involved in evaluating the student's return can have access to the student's outside health care providers and have the ability to openly discuss relevant aspects of the student's condition.

The student must submit a letter indicating his/her plan to re-enroll in the College. The letter must include a report from a licensed psychiatrist that includes discussion of the student's current mental health status, course of treatment undergone during the leave, as well as specific recommendations for the student and the College with respect to the student's successful return to the College. The report will also address the student's readiness to return to academic and co-curricular activities, the student's on-going treatment needs, the student's readiness to return to competitive sports (if the student is an athlete) and any other suggestions the health care provider deems appropriate.

The Dean of Students, Director of Counseling and other College representatives that form the Behavioral Assessment Team will review the information provided by the student and evaluate whether the student is ready to be reintroduced to the College community.

If the student is allowed to return, he/she will meet with the Dean of Students to discuss the conditions of re-entry. If the student does not follow the plan the College will have the right to revoke its decision to readmit the student and will have the right to require the student to resume his/her involuntary mental health leave immediately.

If the involuntary mental health withdrawal is upheld, the student will receive a "W" in all courses.

Tuition and fee refunds taken during the course of the semester will be made in accordance with the College's refund policy.

Once the decision has been made, the student will be notified in writing. This decision will be final.

### **Involuntary Behavioral Withdrawal**

The Dean of Students, in consultation with the College Judicial Officer and other College representatives that form the Behavioral Assessment Team, will make every attempt to meet with the student to make an individualized and objective assessment to determine if a student needs to be separated from the College to protect the safety of the student and/or others, or the integrity of the College's learning environment

If such a determination is made, the College will inform the student immediately, in person if possible, but the student will always receive written notification. This written notification will include the reason for the withdrawal and the conditions for reentry if it is an option.

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### **Appeal Procedure for Involuntary Behavioral Withdrawal**

Follow the same appeal procedures for Involuntary Medical Withdrawal.

### **Readmission from Involuntary Behavioral Withdrawal**

Students seeking readmission will be asked to sign a release form so that College representatives who will be involved in evaluating the student's return can have access to the student's outside health care providers and/or other professionals involved in the student's care and have the ability to openly discuss relevant aspects of the student's condition.

The student must submit a letter indicating his/her plan to re-enroll in the College which includes a statement of his/her understanding and acceptance of the College's Code of Conduct. The letter must include a report from the student's outside health care providers and/or other professionals with whom the student worked. The report should include a discussion of the student's current health status, course of treatment undergone during the leave, as well as specific recommendations for the student and the College with respect to the student's successful return to the College. The report will also address the student's readiness to return to academic and co-curricular activities, the student's on-going treatment needs, the student's readiness to return to competitive sports (if the student is an athlete) and any other suggestions the health care provider deems appropriate.

The Dean of Students, the College Judicial Officer and other College representatives that form the Behavioral Assessment Team will review the information provided by the student and evaluate whether the student is ready to be reintroduced to the College community.

If the student is allowed to return, he/she will meet with the Dean of Students to discuss the conditions of re-entry. If the student does not follow the plan the College will have

the right to revoke its decision to readmit the student and will have the right to require the student to resume his/her involuntary behavioral leave immediately.

If the involuntary behavioral withdrawal is upheld, the student will receive a "W" in all courses. Tuition and fee refunds taken during the course of the semester will be made in accordance with the College's refund policy

Once the decision has been made, the student will be notified in writing. This decision will be final.

For a complete listing of our policy and procedures visit:

<http://atlantic.edu/about/policy/index.html>

### **CLERY ACT CRIMES / DEFINITIONS**

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**Criminal Offenses are defined as outlined by the U.S. Department of Justice, FBI National Incident-Based Reporting System, Uniform Crime Reporting Handbook, Revised 2004:**

### ***Arson***

The 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.

### ***Murder and Non-negligent Manslaughter***

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

### ***Negligent Manslaughter***

The killing of another person through gross negligence.

### ***Robbery***

The taking, or attempted taking, of anything of value from one person's care, custody, or control by another, in which the offender uses force or the threat of violence and causes fear

### ***Aggravated Assault***

An unlawful attack by one person upon another, in which the offender uses or displays a weapon in a threatening manner for the purpose of inflicting severe or aggravated bodily injury. The victim suffers severe injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. 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 into a building or other structure with intent to commit a felony or a theft.

### ***Motor Vehicle Theft***

The theft of a motor vehicle, including automobiles, trucks, motorcycles, and mopeds.

### ***Weapon Law Violations***

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The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, knives, explosives, or other deadly weapons.

#### ***Drug Abuse Violations***

The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment needed to produce or use them.

#### ***Liquor Law Violations***

The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages. Does not include driving under the influence or drunkenness violations.

#### ***Dating Violence***

Violence committed by a person who is or has been in a social relationship or intimate nature with the victim, included but not limited to, sexual, physical abuse or the threat of such abuse. It does not include acts covered by domestic violence. (Proposed Regulations, [www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women](http://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women))

#### ***Domestic Violence***

A crime of violence committed by (1) a current or former spouse or intimate partner of the victim,(2) by a person with whom the victim shares a child in common (3) by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner (4) by a person similarly situated to a spouse of the victim under the domestic of family violence laws of New Jersey, or (5) 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 New Jersey. [www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women](http://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women)

#### ***Stalking***

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. [www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women](http://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women)

**Sex Offenses Definitions From the Uniform Crime Reporting Program and set out in [www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women](http://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women)**

#### ***Sex Offenses-Forcible***

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Any sexual act directed against another person, forcibly or against that person's will. Includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Includes not forcibly or against the person's will where the victim is incapable of giving consent.

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

B. **Sodomy**-Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. **Sexual Assault With An Object**-The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. **Fondling**-The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

#### ***Sex Offenses-Nonforcible***

Unlawful, nonforcible sexual intercourse. Includes incest and statutory rape.

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

B. **Statutory Rape**-Nonforcible sexual intercourse with a person who is under the statutory age of consent.

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2020 Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
	Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>					
MURDER/NONNEGLIGENT MANSLAUGHTER	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>					
SEX OFFENSE: FONDLING	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0
SEX OFFENSE: STATUTORY RAPE	0	0	0	0	0
<b>ROBBERY</b>	0	0	0	0	0
<b>AGGRAVATED ASSAULT</b>	0	0	0	0	0
<b>BURGLARY</b>	0	0	0	0	0
<b>MOTOR VEHICLE THEFT</b>	0	0	0	0	0
<b>ARSON</b>	0	0	0	0	0
<b>UNFOUNDED CRIMES TOTAL: 0</b>					



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2019 Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
	Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>					
MURDER/NONNEGLIGENT MANSLAUGHTER	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>					
SEX OFFENSE: FONDLING	0	0	0	0	0
SEX OFFENSE: INCEST	0	0	0	0	0
SEX OFFENSE: RAPE	0	0	0	0	0
SEX OFFENSE: STATUTORY RAPE	0	0	0	0	0
<b>ROBBERY</b>	0	0	0	0	0
<b>AGGRAVATED ASSAULT</b>	0	0	0	0	0
<b>BURGLARY</b>	0	0	0	0	0
<b>MOTOR VEHICLE THEFT</b>	0	0	0	0	0
<b>ARSON</b>	0	0	0	0	0
<b>UNFOUNDED CRIMES TOTAL: 0</b>					

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2018	Criminal Offenses	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>CRIMINAL HOMICIDE</b>						
	MURDER/NONNEGLIGENT MANSLAUGHTER	0	0	0	0	0
	NEGLIGENT MANSLAUGHTER	0	0	0	0	0
<b>SEX OFFENSES</b>						
	SEX OFFENSE: FONDLING	0	0	0	0	0
	SEX OFFENSE: INCEST	0	0	0	0	0
	SEX OFFENSE: RAPE	0	0	0	0	0
	SEX OFFENSE: STATUTORY RAPE	0	0	0	0	0
	ROBBERY	0	0	0	0	0
	AGGRAVATED ASSAULT	0	0	0	0	0
	BURGLARY	0	0	0	0	0
	MOTOR VEHICLE THEFT	0	0	0	0	0
	ARSON	0	0	0	0	0
UNFOUNDED CRIMES TOTAL: 0						

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2020	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
<b>ARRESTS</b>						
<b>JUDICIAL REFERRALS</b>						

2019	Arrest and Judicial Referrals	ON CAMPUS		ON CAMPUS (TOTAL)	NON CAMPUS	PUBLIC PROPERTY
		Student Housing	Other			
<b>ARRESTS</b>						
	LIQUOR LAW VIOLATIONS	0	0	0	0	0
	DRUG LAW VIOLATIONS	0	0	0	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0
<b>JUDICIAL REFERRALS</b>						
	LIQUOR LAW VIOLATIONS	0	2	2	0	0
	DRUG LAW VIOLATIONS	0	0	0	0	0
	ILLEGAL WEAPONS POSSESSION	0	0	0	0	0



















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## **Campus Security Report 2021**

### Conclusion:

Atlantic Cape Community College's Security and Public Safety Department has as its primary responsibility the safety and security of students, visitors, faculty and staff at all Atlantic Cape locations. All locations are staffed 24 hours a day, 365 days a year. Security encourages the campus community to report all suspicious activity or crimes by: using security phones in building halls and classrooms, contacting security officers on patrol or by reporting directly to the Security Department Office or desk.

The Annual Security Report and Daily Crime Log can be viewed or printed at:

<http://www.atlantic.edu/about/right-to-know.html>

Copies are available by request at the security office at each campus location.

The key to crime prevention is awareness which the college fosters through educational programs

As part of its ongoing program to provide information on safety issues, the Security Department, in conjunction with the Student Affairs Office, presents a series of workshops and lectures that are open to all members of the college community. These include programs on self-protection, sexual assault awareness, rape prevention, safety awareness, drug and alcohol abuse and AIDS.

All members of the college community can assist in maintaining a safe environment to stay alert, reporting any suspicious activities to Security and taking steps to avoid becoming the victim of a crime including:

- keep valuables out of sight
- walk in groups at night
- avoid deserted hallways or buildings

Sincerely,

The Members of the Atlantic Cape Security and Public Safety Department