



















# ATLANTIC CAPE SECURITY AND PUBLIC SAFETY

## Cape May County Campus

341 Court House-South Dennis Road, Cape May Court House, NJ 08210-1972, Phone: (609) 463-6390

### Campus Security Report 2023

Affirmative Action, Office J254, Vanessa O'Brien-McMasters (609) 343-5670 or ext. 5670 from a campus phone  
Title IX Coordinator, Office G-118, Nancy Porfido (609) 343-5095 or ext.5095 from a campus phone.

#### Cape May County Campus

Security Office 122, (609) 463-6390 or ext. 6390 from a campus phone or (609) 839-0939 24 hours a day or [electronically](#).

Director, Cape May Campus, Office 315 , Krista Fitzsimons (609) 463-3670 or ext. 3670 from a campus phone.  
Assistant Dir. CMCC Student Affairs, Office 127, Kristi Collemacine, (609) 463-3993 or ext. 3993 from a campus phone.

Director of Security, Building U, Clifton Sudler (609) 343-5126 or ext. 5126 from a campus phone.

Chief Business Officer, Office J-225, Dominic Sambucci (609) 343-5116 or ext. 5116 from a campus phone.

VP Student Affairs, Office G-222, Dr. Natalie Devonish (609) 343-5087 or ext. 5087 from a campus phone

Judicial Officer, Office G-118, Nancy Porfido (609) 343-5095 or ext. 5095 from a campus phone

Executive Director, Human Resources, Office J-219, Thomas Hendrixson (609) 343-6810 or ext. 6810 from a campus phone.

Affirmative Action, Office J254, Vanessa O'Brien-McMasters (609) 343-5670 or ext. 5670 from a campus phone.

Title IX Coordinator, Office G-118, Nancy Porfido (609) 343-5095 or ext. 5095 from a campus phone.

All reports of crime will be fully recorded, investigated and reported in accordance with the laws and regulations of the State of New Jersey and in accordance with the definitions used in the Uniform Crime Reporting System of the Department of Justice, Federal Bureau of Investigation. The department works closely with the N.J. State Police, the Hamilton Township Police Department (Mays Landing Campus), Atlantic City Police Department (Charles D. Worthington Atlantic City Campus), and the Middle Township Police Department (Cape May County Campus).

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

**Atlantic Cape's offices are generally open weekdays from 9:00 a.m. to 4:30 p.m. Classes generally begin at 6:30 a.m. and run throughout the evening till 10:45 p.m. The buildings are generally open by 6:30 a.m. and are secured by 11:00 p.m. To ensure safety, please do not prop open doors that are normally kept locked. Suspicious individuals should be reported to the Security Department.**

**All students, staff and faculty are issued photo identification cards and must have them in their possession while on campus. This card remains the property of Atlantic Cape and is nontransferable. It must be presented upon demand to college administrators and security personnel. The Atlantic City and Cape May Campuses require the card to be worn while on the premises. The card is also required for access to certain events and areas such as the college's computer labs.**

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## Campus Policies and Procedures

### **\*\*Sex Offenses\*\***

#### **Violence Against Women Act and the Campus Sexual Violence Act (Policy No. 25)**

Atlantic Cape Community College is committed to providing an institutional environment where all persons may pursue their studies, careers, duties, and activities in an atmosphere free of threat of unwelcome and unwanted sexual actions. It strongly condemns sexual offenses, will not tolerate sexual offenders, and supports those who have been victimized.

Sexual assaults are serious violations of the college's student judicial code, faculty standards and college employee policies. They are crimes under state and federal laws and are punishable by fines and/or imprisonment. In addition, these actions are subject to civil suit for damages.

Atlantic Cape Community College is committed to taking all steps to eliminate violence against members of our community. The college will fully comply with the federal Violence Against Women Act and the Campus Sexual Violence Elimination Act ("SaVE Act") which is part of Violence Against Women Act

The Violence Against Women Reauthorization Act (VAWA) and the Campus Sexual Violence Elimination Act (SaVE) mandates that colleges must include dating violence, stalking and domestic violence in addition to other offenses reported under the Clery Act.

Two new categories have been added to the Hate Crime Reporting categories under the Clery Act; gender identity and national origin. If the preponderance of evidence suggests that a crime was motivated by a bias towards these or previously defined categories, it will be processed as a hate crime.

If you have been the victim of any of these offenses while on college property or at a college sponsored event, please follow the reporting guidelines listed in your Student Handbook under Sexual Harassment and Affirmative Action.

If you think you have been a victim of any of the offenses mentioned above, you may speak to a counselor confidentially about your options (if you are under the age of 18 your conversation is not confidential and all accusations are reported).

You can reach a counselor by calling (609) 343-5641 at the Mays Landing campus, (609) 343-4859 at the Atlantic City/Worthington campus or (609) 463-8113 at the Cape May County campus. All campuses also see students on a walk-in basis.

## **Title IX Information**

### **What is Title IX?**

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Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive federal financial assistance. Title IX states that:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

#### **Important Definitions and Examples**

##### **Sexual Harassment**

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer, or another student.

##### **Discrimination**

Discrimination is conduct of any nature that denies an individual the opportunity to participate in or benefit from the college's program or activity, or otherwise adversely affects a term or condition of an individual's employment, education, or living environment, because of the individual's age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information or political ideas.

##### **Sexual Misconduct**

Sexual Misconduct is a form of sexual harassment and refers to sexual offenses including but not limited to rape, sexual assault, sexual battery, sexual exploitation, sexual coercion and any other forms of non-consensual sexual activity. Sexual misconduct can be committed by strangers, acquaintances and family members, as well as casual and long-term dating partners. Sexual assault includes, but is not limited to, attempted or unwanted sexual activity, such as sexual touching and fondling. This includes the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast or buttock, or clothing covering them), or forcing an unwilling person to touch another's intimate parts.

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## **Consent**

Consent must be informed, freely given and mutual. If coercion, intimidation, threats or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent: this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence does not necessarily constitute consent. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

## **Sexual Exploitation**

Sexual Exploitation includes, but is not limited to, prostituting another person, non-consensual visual or audio recording of sexual activity, non-consensual distribution, including electronic distribution, of photos images or information of an individual's sexual activity or intimate body parts, non-consensual voyeurism, coercing someone against their will to engage in sexual activity, or knowingly transmitting a sexually transmitted disease (STD) without disclosing STD status.

## **Stalking**

Stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer emotional distress. Stalking may include repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device or method.

## **Dating Violence**

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be based on the length and type of relationship and the frequency of interaction with the persons involved in the relationship. It is important to recognize that emotional, verbal, and economic abuse are part of the web of dating violence and can exist without the presence of physical abuse.

## **Domestic Violence**

Domestic Violence includes crimes of violence committed against a victim by: (i) a current or former spouse; (ii) a person with whom the victim shares a child; (iii) a person who is or has cohabitated with the victim as a spouse; (iv) a person similarly situated to a spouse of the victim; or (v) any other person against whom the victim is protected under New Jersey domestic and family violence laws. It is important to recognize that emotional, verbal, and economic abuse are part of the web of domestic violence and can exist without the presence of physical abuse.

## **Retaliation**

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Retaliation means any adverse action taken by a member of the College faculty, staff, or student body against any individual on the basis of such individual's participation in an investigation, hearing, or inquiry by the college or an Appropriate Authority

#### **Bullying**

Bullying is any intentional electronic, written, verbal or physical act, or a series of acts that is severe, persistent or pervasive; and has the effect of doing any of the following: (i) substantially interfering with a student's education; (ii) creating a threatening environment; or (iii) substantially disrupting the orderly operation of the College.

#### **Hazing**

Any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student or that willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any registered student organization.

### **DISCRIMINATION, HARASSMENT AND SEXUAL MISCONDUCT REPORTINGPROCEDURE**

#### **Scope/Jurisdiction/Application**

This reporting procedure applies to allegations of discrimination, harassment, and retaliation that take place on Atlantic Cape Community College property or at College-sponsored events, regardless of their location. This procedure may also apply to allegations of discrimination, harassment, and retaliation that occur in sponsored off-campus events or educational activities or to actions Online when the Title IX Coordinator determines that the off-campus or Online conduct could have an on-campus impact or impact on the educational mission of the College. Such impact includes:

- Any action that constitutes a criminal offense as defined by federal, state, or local law;
- Any situation where it appears that the respondent may present a danger or threat to the health or safety of self or others;
- Any situation that significantly impinges upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of the College.

#### **Reporting Responsibilities**

College employees who are aware of or witness discrimination, harassment, sexual misconduct, or retaliation against any student or students are required to promptly report to the Title IX Coordinator unless prohibited by confidentiality (see below). Any student who is aware of or who witnesses discrimination, harassment, sexual misconduct, or retaliation is encouraged to promptly report to the Title IX Coordinator.

All initial contacts will be treated with the maximum possible privacy: specific information on any complaint

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received by any party will be reported to the Title IX Coordinator, but, subject to the College's obligation to investigate and redress violations, every reasonable effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, the College will give consideration to the complainant with respect to how the complaint is pursued but reserves the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

College employees who experience, are aware of or witness discrimination, harassment, sexual misconduct or retaliation against any employee or employees should report such activity to the Affirmative Action Officer.

Vanessa O'Brien-McMasters, Dean, IR, Planning and Effectiveness and ITS, 5100 Black Horse Pike, Mays Landing, NJ 08330. (609)343-5670, email: vobrien@atlantic.edu, office is located in room J254.

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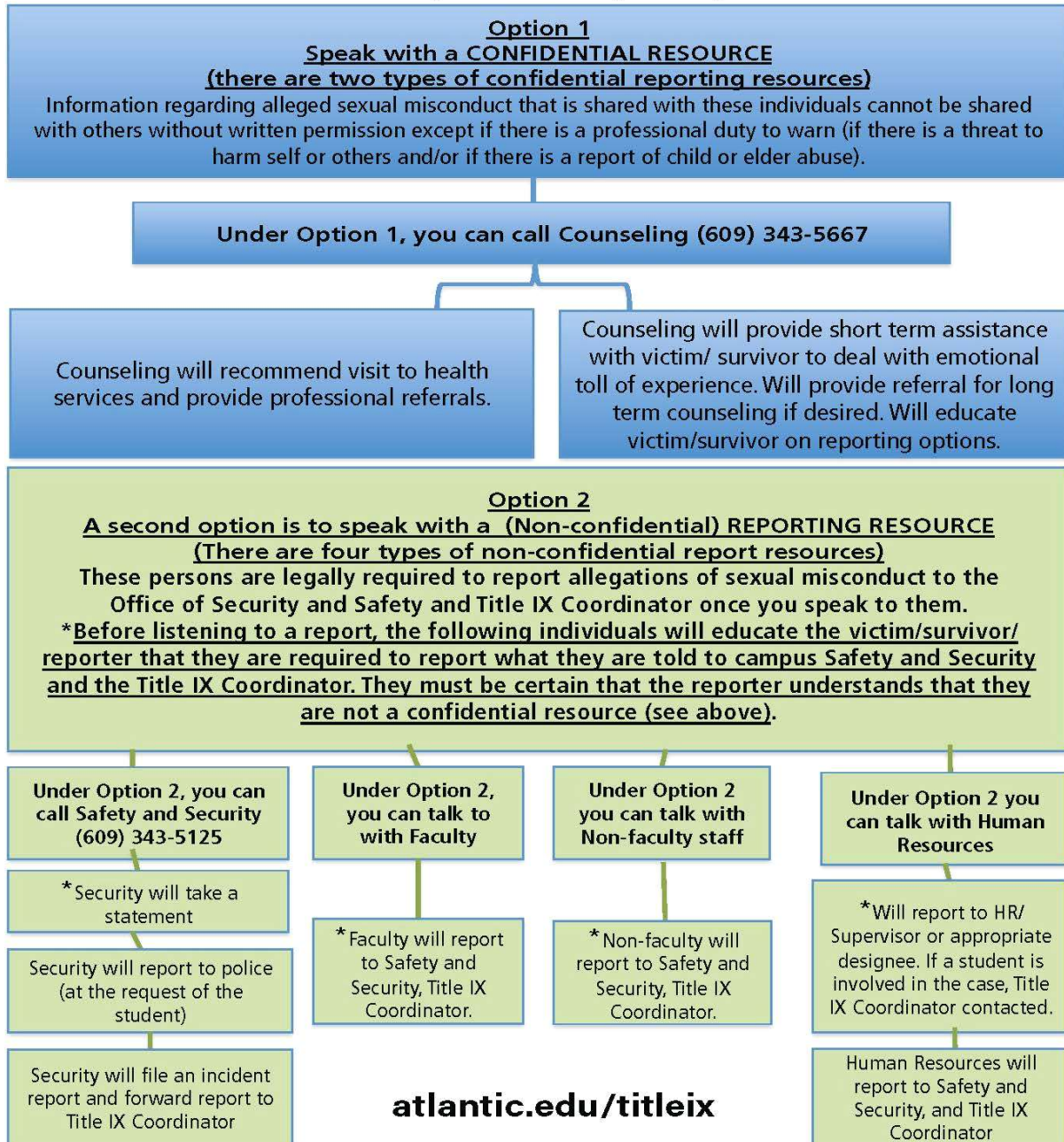
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#### Reporting Sexual Assault

If you or someone you know has been sexually assaulted, we can help. Here are your options:



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#### Complaint Resolution Process

Atlantic Cape will respond to every alleged violation of this procedure received by the Title IX Coordinator. This section outlines ways in which offenses can be reported by individuals choosing to pursue complaint options.

#### Confidentiality and Reporting of Offenses

Atlantic Cape Community College will make every effort to safeguard the identities of individuals who seek help and/or report discrimination, harassment, and/or retaliation. While steps are taken to protect the privacy of victims, the College may need to investigate an incident and take action once an allegation is known, whether or not the reporting individual chooses to pursue a complaint. Remember full confidentiality can only be offered by the counseling and/or Health Professional. ([See flow chart regarding who can offer confidentiality and the limits of confidentiality](#))

When a report is made, personally identifiable information (name of victim, name of respondent, etc.) may be initially withheld in cases where the victim is hesitant to come forward. Subsequently, campus officials may need additional information. The College Title IX Coordinator will conduct an initial inquiry, looking for any sign of pattern, predation, violence, or threat. When such exists, institutional action may be required in an effort to ensure campus safety. No employee should ever promise absolute confidentiality except those as described in the section on Confidential Reporting. Reports may be private, but not confidential, as described below in the section on Confidential Reporting. Reports to Public Safety and Security, the local police and/or Title IX officials do not obligate the complainant to file any criminal or College conduct charges.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.

#### Options Available to Victim/Survivor

If a victim/survivor chooses to share information regarding a suspected sexual misconduct incident with HEALTH SERVICES or COUNSELING SERVICES the following departments are a confidential resource. Unless they feel a duty to warn, when they believe there is a threat of intent to harm self or others, child abuse or elder abuse. **Please be aware that these staff members are termed confidential resources.** The Following protocol will be followed:

**THIS IS A CONFIDENTIAL RESOURCE.** Health professionals and/or mental health professionals have the privilege of confidentiality. This means that the information regarding sexual misconduct that is shared with a health professional and or/mental health professional cannot be shared with others without written permission unless the victim/survivor is under 18 years of age.

Sexual assault is a physical and psychological trauma, which necessitates the medical and emotional evaluation of the victim/survivor.

Any victim/survivor of sexual misconduct will be triaged into an immediate appointment with an



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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 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 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

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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	Phone Numbers	Locations
AtlantiCare Regional Medical Center	609-652-1000	Pomona
AtlantiCare Regional Medical Center	609-345-4000	Atlantic City
Cape Regional Medical Center	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 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

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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
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 accepts 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 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.

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### **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 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.

### **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 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

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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**

Nancy A. Porfido is the DEI Advocate and Judicial Officer (Mays Landing 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 Mays Landing Campus, 5100 Black Horse Pike, Mays Landing, NJ (609)343-5095, [porfido@atlanticcape.edu](mailto:porfido@atlanticcape.edu). Office: G Building, First floor, G-118.

##### **Role of the Title IX Coordinator**

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

##### **Complaint Intake**

Following receipt of notice or a complaint, the Title IX Coordinator will normally, within five college business days, make an initial determination as to whether the information has merit to reasonably indicate there may

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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 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

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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 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 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 Title IX 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 will forward it to the Vice President of Student Affairs and Enrollment 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

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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.

#### Explaining the Preponderance Standard

The Preponderance Standard  
Reasonable  
Preponderance

No Evidence

Overwhelming Evidence  
Very Sufficient  
Evidence

Insufficient Evidence



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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 and the office of Student Development and Judicial Affairs. The Vice President of Student Affairs and Enrollment 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.

#### **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. Regardless of the outcome, the complainant, the respondent, and the Title IX 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
- 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

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#### **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 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.

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.

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#### **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, 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
- 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

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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 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.

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#### **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 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.

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#### **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 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.

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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.

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
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Cape May County Campus Security	(609) 463-6390 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.

\*\*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.



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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 go to: <http://www.atlanticcape.edu/about/right-to-know.htm>

### **\*\*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.

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

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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 sponsored function is prohibited.

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**\*\*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

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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, 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.

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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.

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

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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 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\*\***

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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;

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 devices

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

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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.

### **\*\* 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

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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 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



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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.

#### **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-

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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.

#### **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

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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**

**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.

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### ***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***

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

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by domestic violence. (Proposed Regulations,  
[www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-womer](http://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-womer)

#### ***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-womer](http://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-womer)

#### ***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-womer](http://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-womer)

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

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

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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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#### 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