

2019



North East Campus

2019-2020 Academic Year

Annual Security and Fire Safety Report

Includes Crime Statistics for Calendar Years (CYs) 2016, 2017 & 2018

The Mercyhurst University North East Campus consists of 13 buildings on about 84 acres of land in North East, Pa. The campus is bordered to the north by Sunset Drive, to the south by West Division Street, to the east by Lake Street, and to the west by North Pearl Street. The North East campus also includes a number of outbuildings to the northwest of the university. A Public Safety Institute and Licensed Practical Nursing building located at 5999 Station Road and a swimming pool building located at 43 North Lake Street.

There are about 201 students, out of a total of more than 700, living on the Mercyhurst North East campus, and there are approximately 98 full-time and 10 part-time employees.

State and Federal Campus Security Acts

In late 1987, the Pennsylvania House of Representatives enacted House Bill 1900, which was signed into law on May 26, 1988 as Act 73, "The College and University Security Information Act." In general, Act 73 requires each college and university in Pennsylvania to compile information regarding campus crime and to publish information concerning campus security policies, procedures, and programs. This state law also requires campuses to report crime statistics to the Pennsylvania State Police in accordance with the Uniform Crime Reporting Act, and then to make the reported statistical information available to those who request it. In 1990, the Federal Statute, PL 101-542, known as "The Student Right to Know and Campus Security Act," now known as the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act," was enacted, and has generally the same requirements as the state law.

The federal act, however, requires that crime statistical information be provided to the United States Department of Education on an annual basis. All students and employees, and prospective students and employees, must be advised that this information is available, and university security policies and procedures must be published and provided to all students and employees on an annual basis.

Mercyhurst University recognizes its responsibility to comply with state and federal law. Questions and/or complaints regarding compliance with these acts may be addressed to the Department of Police and Safety, Chief of Police, Mercyhurst University, Erie PA, 16546, or by calling Chief D.J. Fuhrmann at (814) 824-2104 (email: dfuhrmann@mercyhurst.edu)

Mercyhurst North East Campus: Police and Safety Department

The Mercyhurst University Security Department was founded in 1971, and in August 1998 became the Department of Police and Safety. Today, the department remains committed to its original mission of providing a safe and secure environment for the entire Mercyhurst University community. The Mercyhurst University Department of Police and Safety is comprised of A Chief of Police, Deputy Chief, Patrol Lieutenant, Patrol Sergeant and Patrol Corporal along with 5 full-time, 3 part-time officers, and 2 full time Safety Officers. Of this 2 full time and, 1 part-time police officers and, 2 full time safety officers are assigned to the North East Campus. In 2013 our Police department acquired a K-9 unit which is used for the community as an explosives, ballistics, and tracking detection officer.

Communications officers are assigned to the camera, emergency alarm center, and communications center located in the department's Police and Safety office at Erie campus. There is a minimum of one police and one communications officer on duty-24 hours a day, 365 days a year.

The Chief, Deputy Chief, Lieutenant, Sergeant, and Police Officers are Act 120 trained, or have the equivalent training required by state law to be certified as sworn police officers. These officers are sworn and have full arrest powers on all property owned or controlled by the university, and on all public property adjacent to the campus. A close liaison is maintained with the North East Borough Police and the Pennsylvania State Police.

Mercyhurst University safety officers are not police officers and therefore do not have law enforcement authority, including powers of arrest. They are, however, governed by the same rules, regulations, and standard operating procedures (SOP), and perform the same duties as the university police officers.

In major incidents or investigations, the North East-Borough Police and the Pennsylvania State Police will assist the Mercyhurst University Police and Safety Department. If requested, these departments will assume entire responsibility for the incident and/or investigation

Weapons are not permitted on the Mercyhurst University campus. Mercyhurst University Police officers are armed, but may carry non-lethal weapons, such as pepper spray or expandable batons if they are properly trained in their use.

The Mercyhurst University Department of Police and Safety strives to create an environment that is conducive to good living and learning by supporting the Mercyhurst University mission, and by recognizing the individual's right to pursue their personal goals. The Mercyhurst University Police department enforces state, federal laws and Mercyhurst University rules and regulations, and at the same time strives to protect the rights of each and every individual.

Reporting Crime

Any person who is the victim of a crime, either on or off campus, is encouraged to report the incident to the appropriate law enforcement agency. Victims and witnesses are encouraged to report crimes on a voluntary, confidential basis. Campus pastoral counselors and campus professional counselors, when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. However, they are encouraged if and when they deem it appropriate to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

1. The university reports crimes occurring on campus to state and federal authorities as required by law. The Mercyhurst University Department of Police and Safety can be reached 24 hours a day, 365 days a year at (814) 824-3911. Additionally, the Police and Safety Department can be reached at (814) 725-6103. The department Chief of Police DJ Fuhrmann can be reached by calling (814) 824-2104. The department, Chief Fuhrmann or his designee should be contacted to report crimes for statistical inclusion, and/or to initiate timely warnings pursuant to crimes that have occurred. Alternatively, crimes may be reported to any university staff member or official.

During power failures or emergencies, the Police and Safety communication Center can also be reached by dialing the Mercyhurst University Police and Safety Department Erie Campus cell phone number at (814) 881-7359. The on-duty communications officer will handle requests for assistance or information, and will dispatch a police or safety officer to respond when necessary and/or requested. The address and telephone numbers for the Pa. State Police and North East Borough police departments that respond to incidents and requests for assistance at the Mercyhurst University North East campus are:

Pennsylvania State Police

4320 Iroquois Avenue
PO Box 10607
Erie, PA 16514
(814) 898-1641

North East Borough Police Department

58 East Main Street
North East, PA 16428
(814) 725-4407
(814) 725-2807 (non-emergency)

The Pennsylvania State Police and North East Borough Police Department can be contacted for emergency purposes only by dialing **911**

Confidential reporting procedures

If you are the victim of a crime and do not want to pursue action within the university or criminal justice system, you may still want to consider making a confidential report. With your permission, a member of the Police and Safety Department can file a report on the details of the incident without revealing your identity.

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the university can keep accurate records of the number of incidents involving students to determine where there is a pattern of crime with regard to a particular location, method, or assailant and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the university.

Additionally, an alternative way to report crime anonymously via the Internet is available by going to *my.mercyhurst.edu*, log in and click on the “Police and Safety” tab. The silent witness form can be found under the services heading. The form is on the left side of the screen under the *Police and Safety Links* It can be filled out and submitted electronically to Chief Fuhrmann.

Monitoring Criminal Activity At Off Campus Sites

Mercyhurst University does not have any off-campus student organizations recognized by the University that are engaged in activities by Mercyhurst University students. Nor does Mercyhurst University have any off-campus housing facilities. The campus does, however, maintain a close relationship with state, city, and municipal law enforcement agencies having jurisdiction on Mercyhurst University campus and in areas surrounding the campus. Formal requests are made of each of these agencies for annual crime statistics.

Policies

Drug Policy

Municipal ordinances, state, and federal law govern all matters relating to drugs. It is the university's policy as well to adhere to all municipal, state, and federal laws, including those governing the use of drugs. Mercyhurst University does not condone the medically unsupervised use, possession, sale, manufacture, or distribution of illegal drugs or drug paraphernalia.

When such activity occurs on campus, the university shall initiate appropriate measures, which may include disciplinary action. When such activity occurs off campus, the university may consider disciplinary action if the university determines that the activity has a substantial adverse effect upon the university or members of the university community. Violators will be subject to penalties, which may include separation from the university. In addition, the university may report such matters to the appropriate enforcement agencies for criminal disposition.

1. Residents are responsible and accountable for the behavior of their guests and will be sanctioned if their guests violate the drug policy.
2. Any violation of the drug policy will result in the confiscation of any related paraphernalia.

Alcohol Policy

In keeping with the university mission statement that "Mercyhurst is a Catholic institution... dedicated to the lifelong development of the whole person," we affirm the posture of the university to uphold the legal requirements of the Commonwealth of Pennsylvania in regard to the possession, transportation, consumption, and distribution of alcoholic beverages. Furthermore, we recognize our moral obligation to ensure the wellbeing of each member of the Mercyhurst community by taking whatever steps necessary to discourage and prevent the wanton and reckless and illegal consumption of alcohol that may render short term and/or long-term harm to the consumer, or to a neighbor, and to the physical premises of this campus. In order to accomplish this goal, the following guidelines and rules and regulations are set forth:

VIOLENCE AGAINST WOMEN (VAWA) REAUTHORIZATION

SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

Mercyhurst University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Toward that end, Mercyhurst University issues a statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
 - i. A Felony or misdemeanor crime of violence committed—
 - A) By a current or former spouse or intimate partner of the victim;
 - B) By a person with whom the victim shares a child in common;
 - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - E) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Definition of a Crime of Violence:** According to Section 16 of Title 18 of the United States Code, the term “crime of violence” means:
 - i. An offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
 - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence.
 - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
 - o **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - o **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - o **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - o **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

- **Stalking:**
 - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A) Fear for the person's safety or the safety of others; or
 - B) Suffer substantial emotional distress.
 - ii. For the purposes of this definition—
 - A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

- **Sexual Assault:** The state of Pennsylvania defines sexual assault as follows:
 - **Rape** — Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Statutory offenses (no force used —victim under age of consent) are excluded.
 - **Sex offenses** (except rape, prostitution, and commercialized vice) —Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.
- **Domestic Violence/Abuse:** Pennsylvania law defines domestic abuse as knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in a repetitive conduct toward a certain person that puts them in fear of bodily injury. These acts can take place between family or household members, sexual partners or those who share biological parenthood in order to qualify as domestic abuse.
- **Dating Violence:** The state of Pennsylvania does not have a definition of dating violence.
- **Stalking: Pennsylvania law defines stalking** when a person either:
 - (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
 - (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.
- **Consent:** The state of Pennsylvania defines ineffective consent as:
 - **Ineffective consent** — Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:
 - (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
 - (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
 - (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
 - (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

The state additionally provides descriptors commonly associated with consent as part of its full definition when describing the offense of Rape.

- **Rape Offense defined** — A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion;
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (5) Who suffers from a mental disability which renders the complainant incapable of consent.

Further, under Clery and UCR (Uniform Crime Reporting) definitions, the Pennsylvania Crimes Code sections relating to sexual assault (PA CS Title 18, Subsection 3124.1), involuntary deviate sexual intercourse (PA CS Title 18, Subsection 3123) and aggravated indecent assault (PA CS Title 18, Subsection 3125) are considered rape for the purposes of Clery and PA UCR reporting.

- **Other Sex Offenses** (except rape, prostitution, and commercialized vice) — Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.

Mercyhurst University's Definition of Consent as it Relates to Sexual Activity is as follows:

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in, and continue to engage in, a specific sexual activity.

Consent must be informed and voluntary. To give Consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of their actions. Individuals who are physically or mentally incapacitated cannot give Consent. Some indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance. Silence, without actions evidencing permission, does not demonstrate Consent. Where force or coercion is alleged, the absence of resistance does not demonstrate Consent. The responsibility of obtaining Consent rests with the person initiating sexual activity.

Consent to engage in sexual activity may be withdrawn by either person at any time. A previous or current dating or sexual relationship, by itself, is not sufficient to constitute Consent. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent (due to falling asleep or passing out into a state of unconsciousness, for example).

How to Be an Active Bystander:

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm,

understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a community culture of accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, call MUPD at (814) 824-3911 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Be direct, delegate responsibility, or cause a distraction when you see another person seclude, hit on, attempt to make out with, or have sex with people who are incapacitated.
3. Intervene when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792. ² Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

Risk Reduction:

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don’t allow yourself to be isolated with someone you don’t trust or someone you don’t know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking:

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

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

Mercyhurst University's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

- A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- E. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- F. Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;
- G. Provide information regarding:
 1. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs" elsewhere in this Annual Report);
 2. how the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report);
 3. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report); and
 4. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report);
 5. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in "Adjudication of Violations" elsewhere in this Annual Report).

Primary Prevention and Awareness Programs:

The University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring incoming first-year students to take online courses related to sexual assault and high risk drinking awareness and education. These trainings include:

- Clearly articulated statements that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking.

- The Federal and State definitions of domestic violence, dating violence, sexual assault and stalking.
- The University and State definitions of consent.
- A description of safe and positive options for bystander intervention.
- Information on specific risk reduction strategies.

Ongoing Prevention and Awareness Campaigns:

The University provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, online training programs, printed materials, and related lectures.

Ongoing prevention and awareness campaigns include welcome week speakers; domestic violence month events and activities; sexual assault and awareness month, which includes participation in an annual community “Take Back the Night” event; Step Up! bystander intervention programming; programming specific to developing healthy relationships; and education seminars on the healthy relationships curriculum created in conjunction with community partners.

The following are some specific examples of annual programs currently offered by the University. This list is not all inclusive:

- **Online Education**
EverFi’s online sexual assault prevention course is required of all freshmen students to learn effective ways to prevent and report sexual assault on our campus.
- **Orientation Programing**
Incoming first year students participate in information sessions about healthy relationships, the sexual misconduct policy, consent, bystander intervention, and campus and community specific resources. New faculty and employees receive Clery Act and Title IX information during their orientation programs.
- **Extended Orientation Programming**
Incoming first year students take a introduction to Mercyhurst course that addresses civility, sexual violence, bystander intervention, and other topics to introduce the class to the university.
- **Step Up! Bystander Intervention Workshops**
Step Up! Bystander Intervention Presentations help people understand what stops us from intervening in potentially harmful situations and provides tools to intervene. Bystander Intervention workshops cover bystander effect and ways to decide to act when we see someone in need. Participants leave with practical tips to intervene.
- **Healthy Relationships Curriculum** functions on a series of educational modules about relationships: with others (intimate partnerships, dating, ending relationships) and with the self (knowing boundaries, finding one’s voice to set boundaries, discerning what is appropriate for the individual, etc.).

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at a local Hospital Emergency Department. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities:

Although the University strongly encourages all members of its community to report violations of this policy to the appropriate law enforcement agency, it is the victim's choice whether or not to make such a report.

Furthermore, victims have the right to decline to notify law enforcement. However, the MUPD will assist any victim with notifying law enforcement if the victim so desires. The City of Erie Police Department may also be reached directly by calling (814) 870-1125 during normal business hours, or 911 during off hours or in emergency situations; or in person at the City of Erie Police Department located at 626 State St, Erie PA. Additional information about the City of Erie Police department may be found online at:

<https://epd.erie.pa.us>

NOTE: In the State of Pennsylvania, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must report such incidents to the Department of Public Welfare's Child Line (800-932-0313), the police having jurisdiction, and then to their supervisor. Pennsylvania recognizes matriculated students under the age of 18 as "children" for purposes of this law and, as such, the college is mandated to report a criminal complaint of abuse or sexual abuse involving any student victim under the age of 18 immediately to ChildLine and the police having jurisdiction. Law Enforcement authorities may notify the victim's parents or guardians as stipulated by law.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking:

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (office: 311 Egan; phone: 814-824-2362) by calling, writing, or coming into the office to report in person. Reports of all domestic violence, dating violence, sexual assault, and stalking made to MUPD will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to MUPD.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported:

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (office: 311 Egan; phone: 814-824-2362) by calling, writing, or coming into the office to report in person. The Title IX Coordinator will collaborate and coordinate with the Director Residence Life and Conduct for student cases and the Director of Human Resources for employee cases.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that the University will follow.

Incident Being Reported	Procedures Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care 2. Institution will assess immediate safety needs of victim 3. Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department 4. Institution will provide victim with referrals to on- and off-campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution 10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is 11. Institution will enforce the non-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation
Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options

	7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate

Facilitated Anonymous Reporting through the Counseling Center/Pastoral Counselors:

Certified Counselors assigned to the Counseling Center and practicing pastoral counselors are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they can report incidents of crime to MUPD, which can be done directly or anonymously. Students may request the Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University’s Annual Security and Fire Safety Report.

The University provides a form on the University HUB, under resources, Title IX-Sexual Respect for anonymous reporting directly to the Title IX Coordinator. The amount of detail provided may enable the University to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or complainant.

Employee Assistance Program:

Mercyhurst University also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is listed in the Resources section of this annual report.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any Official On Campus Resources unless the employee specifically gives them permission to do so.

Assistance for Victims - Rights & Options:

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options.

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community;
- a statement regarding the institution's provisions about, options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution:

Mercyhurst University complies with Pennsylvania State law in recognizing orders of protection.

Any person who obtains an order of protection from Pennsylvania or any reciprocal state should provide a copy to MUPD and the Office of the Title IX Director. A complainant may then meet with Title IX Coordinator to develop a Safety Action Plan, which is a plan for Title IX Coordinator and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. The University cannot apply for a legal order of protection, No Contact order, or restraining order for a victim from the applicable jurisdiction(s).

In Pennsylvania, a victim of domestic violence, dating violence, sexual assault, or stalking has the right to file a petition with the courts requesting protection through PFAs, SVPOs, and/or PFIs, which could include the following:

- An order restraining the abuser from further acts of abuse;

- An order directing the abuser to leave the victim's household/place of residence;
- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

When an abuser is not a present or past member of the victim's household or family, adults and minors can petition for a Sexual Violence Protection Order (SVPO). For example, a SVPO could be granted for a victim who is sexually assaulted by a coworker and who has no other relationship with the coworker – is not now or never was a family relation, spouse, dating partner, or member of the same household.

Protection from Abuse (PFA):

A protection from abuse order is a paper that is signed by a judge that tells or informs the abuser to stop the abuse or face serious legal consequences. It offers civil legal protection from sexual or relationship violence to both female and male victims. In Pennsylvania, there are a few different types of protection from abuse orders (PFA).

These include:

- Emergency Order – Immediate protection when the courts are closed. A victim can contact the local police by dialing 911, and the police will connect the victim with the on-call magisterial district judge. The judge may grant an emergency order through this emergency process based on the facts of the case.
- Ex Parte Temporary Order – “Ex parte” means the judge will make a decision regarding a PFA, based only on the information provided by the victim, without the abuser being in court.
- Final PFA – A judge can grant a final protection from abuse order after a hearing involving the victim, abuser, witnesses, testimony, and evidence.

Protection of Victims of Sexual Violence or Intimidation (PSVI) Act:

The Protection of Victims of Sexual Violence or Intimidation (PSVI) Act defines sexual violence as conduct between persons who are not family or household members that constitutes one of the following crimes:

- Sexual offenses
- Endangering the welfare of children if the offense involved sexual contact with the victim
- Corruption of minors
- Sexual abuse of children
- Unlawful contact with minor
- Sexual exploitation of children

Sexual Violence Protection Order (SVPO):

An SVPO is a civil order designed to protect victims of sexual violence from further abuse and/or intimidation, regardless of whether or not criminal charges have been filed against the perpetrator. Adults and minors (with a parent or guardian to file on their behalf) can petition for an SVPO. Similar in many ways to a Protection from Abuse order or PFA, the key difference is that there is no relationship requirement between the alleged perpetrator and the victim. (While PFAs require an intimate or household relationship between the two parties, an SVPO does not, and is available to all victims of sexual violence.) Examples of situations where the SVPO may be appropriate relief:

- A victim is sexually assaulted by a co-worker (not related or in a relationship; not household members)
- A student is sexually assaulted by another student
- A tenant is fondled by a landlord

- A college student (an adult) who was sexually assaulted experiences harassment from the perpetrator's friends after reporting the assault

Protection from Intimidation (PFI) Order:

Definition of intimidation under the PSVI Act can be described as harassment or stalking (according to statutes) of a minor (under the age of 18) by an adult (18 or older), when there is no family, dating, intimate, or household relationship between them. The PFI order was created to protect minors who have experienced harassment or stalking when the offender is age 18 or older. An adult (parent or guardian) must petition for the PFI order on the minor's behalf. Examples of situations where the PFI order may be the appropriate relief:

- A child victim whose offender repeatedly drives by the bus stop
- A teen athlete is stalked by an adult coach
- A teen is harassed online by a teacher

Both SVPOs and PFIs prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. Both orders can also be expanded to prevent intimidation/contact from a third party on behalf of the offender, or extend to protection to related parties, such as parents, siblings, or children of the victim. The SVPO and PFI orders may be entered for up to 36 months.

MUPD will help put victims who are interested in pursuing a PFA, PSVI, or SVPO in contact with local courts or the local advocacy center of SafeNet. Any student who obtains a protection order from Pennsylvania or any reciprocal State should provide a copy to MUPD and the Office Residence Life. MUPD will help facilitate the reporting of PFA violations to the local law enforcement with jurisdiction.

While not the same as a state-mandated protection order, the University can issue a No Contact Directive. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to: email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

If the University receives a report that such an institutional No Contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact order.

Accommodations and Protective Measures Available for Victims:

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Mercyhurst University will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of a full, partial, or modified *persona non grata* (PNG – barring notice) to the respondent may also be appropriate.

To request changes to academic, living, transportation, and/or working situations, or protective measures, a victim should:

Students: Contact the Title IX Coordinator and/or Director Residence Life and Student Conduct for assistance.

Employees/Faculty: Contact the Office of Human Resources and/or Provost Office (depending upon employment status).

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator and/or the MUPD.

Confidentiality:

Victims may request that directory information on file with the University be withheld by request. This request can be made to the Registrar's Office in person by visiting Old Main 106 or by calling (814) 824-2250. Employees can contact the Office of Human Resources to make a similar request regarding directory information at (814) 824-2279.

Regardless of whether a victim has opted-out of allowing the University to share "directory information," personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally-identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Campus Safety Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

On- and Off-campus Services for Victims:

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Mercyhurst University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-

scene, including MUPD, will offer the victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Mercyhurst University.

These resources include the following:

	Employees	Students
ON CAMPUS		
Counseling/ Mental Health		Mercyhurst University Counseling Center Phone: 814-824-3650 <i>*Confidential Resource</i> (Can make recommendations for local confidential counseling and psychiatric services in the local area)
Health Services		Mercyhurst University Health Center Phone: 814-824-2431 <i>*Confidential Resource</i>
Title IX Coordinator	Title IX: 814-824-2362 Human Resources: 814-824-2279	Title IX: 814-824-2362
Visa and Immigration Assistance/ International Student Support and Services		Director of International Student Services Phone: 814-824-3056
Student Financial Aid		Financial Aid Office Phone: 814-824-2288
LGBTQA Advocacy and Education		Multicultural and Inclusion Coordinator Phone: 814-824-2369
Pastoral Counseling		Campus Chaplain Phone: 814-824-2467 <i>*Confidential Resource</i>
University Police Department	Non-Emergency Phone: 814-824-2304 Emergency Phone: 814-824-3911	Non-Emergency Phone: : 814-824-2304 Emergency Phone: 814-824-3911
Vice President for Student Life		Vice President for Student Life Phone: 814-824-2262
Office of Multicultural Engagement		Multicultural and Inclusion Coordinator Phone: 814-824-2369
Sexual Misconduct Resource Site	https://lakersmercyhurst.sharepoint.com/sites/SPO_STU_TitleIX-SexualRespect	https://lakersmercyhurst.sharepoint.com/sites/SPO_STU_TitleIX-SexualRespect
Facilitated Anonymous Reporting	<i>my.mercyhurst.edu</i> , log in and click on the “Police and Safety” tab. The silent witness form can be found under the services heading. The form is on the left side of the screen under the <i>Police and Safety Links</i> .	A student can go to Health and Counseling or the campus Chaplain to submit an anonymous report. The amount of detail provided in an anonymous report will determine the University’s ability to investigate or respond.
OFF CAMPUS		
Counseling/ Mental Health	Employee Assistance Program (EAP) General Assistance: 866-227-6527 Critical Situations: 800-673-2496 <i>*Confidential Resource</i>	
Health Services	UPMC Hamot, 201 State Street – Erie, PA 16550 (814) 877-6000 Saint Vincent, 232 W. 25 th St – Erie, PA 16544 (814) 898-2576	UPMC Hamot, 201 State Street – Erie, PA 16550 (814) 877-6000 Saint Vincent, 232 W. 25 th St – Erie, PA 16544 (814) 898-2576

Victim Advocacy	Crime Victim Center, 125 West 18th Street - Erie, PA 16501 (814) 455-9414 or (800) 352-7273 SafeNet, PO Box 1436, Erie, PA 16512 (814) 454-8161 or (814) 455-1774	Crime Victim Center, 125 West 18th Street - Erie, PA 16501 (814) 455-9414 or (800) 352-7273 SafeNet, PO Box 1436, Erie, PA 16512 (814) 454-8161 or (814) 455-1774
Legal Assistance	MidPenn Legal Services (Gettysburg) Phone: 717-334-7624	MidPenn Legal Services (Gettysburg) Phone: 717-334-7624
Visa and Immigration Assistance	30 N. 41 st Street, Philadelphia, PA 19104 Phone: 800-375-5283	30 N. 41 st Street, Philadelphia, PA 19104 Phone: 800-375-5283
Erie Police	Erie County Emergency Center: 911 Nonemergency 814-870-1125	Erie County Emergency Center: 911 Nonemergency 814-870-1125

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

Adjudication of Violations:

The University's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault, and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. An Advisor is someone who acts as an advisor to the Complainant or Respondent involved in an investigation or disciplinary proceeding under the University's policies. The Advisor is permitted to be a part of any meetings their student may have. University employees who provide confidential support services (Counseling/Health Services staff and pastoral counselors) or have an actual or perceived conflict of interest (the Title IX Director, MUPD Officers, and the Vice president for Student Life, for example) may not serve as Advisors. A student or employee should select as an advisor a

person whose schedule allows attendance at the scheduled date and time for any meetings, because delays will not normally be allowed due to the scheduling conflicts of an advisor.

5. The Advisor may not speak aloud during meetings involving the student and an investigator/adjudicator, but may confer quietly or by means of written notes with their advisee. The Student Conduct keeps a list of trained Advisors. Although the Parties are not required to select a trained Advisor, because knowledge of the disciplinary process is important to the Advisor's role, it is highly recommended that they do so. The Complainant and Respondent are not obligated to accept the counsel of an Advisor.
6. The accuser and the accused will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding; and
7. Where an appeal or grievance is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal or grievance is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

If the Victim Does Not Wish to Pursue Resolution:

In all reported cases of sexual misconduct, the University will conduct a fact-finding investigation to the best of its ability. In cases where the Victim wishes to become a Complainant, this investigative report is provided to the Title IX Director or their designee for a threshold analysis.

In cases where the Victim does not wish to become a Complainant, the University has 2 (two) options:

1. The University may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date.
2. The University may pursue a judicial hearing against the Respondent named in the investigation. Under these circumstances, the University would take into consideration the nature of the assault, the safety of the Victim and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

Whether or not criminal charges are filed, the University or a person may file a complaint under the sexual misconduct and grievance procedures outlined on the following pages, depending upon the status of the accused (student or employee).

Student Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Organizational Behavior:

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the University community may bring allegations against a student group/organization for violation of the Sexual Misconduct and Relationship Violence Policy. The University will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Director, or Director Residence Life and

Conduct may confer with the student group/organization's advisor(s), inter/national headquarters and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the University is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations. See Section IX for Organizational Sanctions.

Statement on Privacy

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking (to the fullest extent of the law). Additionally, the College will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant. If the Victim requests anonymity or that the University not pursue an investigation, the University must balance this request in the context of its responsibility to provide a safe environment for all University community members. In cases where the University cannot respect the wishes of the Victim, the University will consult with the Victim and keep them informed about the University's course of action.

If the report of misconduct discloses an immediate threat to the University campus community, where timely notice must be given to protect the health or safety of the community, the College will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community a Campus Safety Alert may make members of the community feel known or singled out.

The University will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the College will inform the Respondent that Title IX prohibits retaliation and the University will take strong responsive action to protect the Complainant.

The University has designated the following individual(s) to evaluate requests for privacy once the University is aware of alleged sexual violence:

Investigation of Reports:

Upon receiving the complaint form, the Title IX Coordinator will begin an investigation or designate an Investigator. The Title IX Investigator will conduct a prompt and thorough investigation, which includes: interviews of parties involved, identifying and interviewing witnesses, gathering and securing all documentation, and identifying other information. The Investigator acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

At any time during the investigation, the Investigator may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate University officials. These protections or remedies may include, but are not limited to, separating the parties, placing limitations on contact between the parties, suspension, making alternative workplace arrangements, or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Student Conduct Code (see Student Handbook).

The investigation will be conducted to ensure the greatest degree of privacy of all parties involved. However, the institution's ability to promise confidentiality may be limited by its obligation to remedy the harassment or discrimination. All parties involved in the investigation are encouraged to respect the privacy of others involved in the process. Retaliation against the Complainant, Respondent, or witnesses is strictly prohibited. Proven retaliation by any individual will result in disciplinary action, up to and including expulsion, or other appropriate sanctions (See Non-Retaliation Policy Definition).

The investigation shall be concluded as quickly as feasible and within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner that is adequate, reliable, and impartial.

Threshold of Information:

The Title IX Coordinator or designee will review the investigation report to make a determination on the threshold of information. The Title IX Coordinator may determine that there is sufficient information to proceed. If the Title IX Coordinator determines that this threshold has not been reached, the Complainant and Respondent will be notified in writing.

If it is determined that the threshold was not reached, the Complainant will have the opportunity to seek review by the Vice President for Student Life by filing a written request for review within two (2) business days. The Respondent will be notified in writing of this request. The Vice President for Student Life may affirm the threshold finding, reverse the finding, or request additional investigation, as warranted. If the Vice President for Student Life agrees that a case does not reach the threshold for formal resolution, educational sanctions or informal resolution may still be implemented. This decision of the Vice President for Student Life is final.

Interim Measures:

Overview

During the investigation and prior to the final determination, the University may take appropriate interim measures to protect the parties involved; after a fair assessment to determine the need for such interim measures. Interim measures will be individualized and appropriate based on the initial information gathered by the Title IX Coordinator. A Complainant or Respondent may request an interim measure or other protection, or the University may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. Interim measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator. These actions are not a presumption of responsibility for violation of the Sexual and Gender Based Misconduct. Interim measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the University.

Interim measures may prevent a student from attending class and other University activities. The Title IX Coordinator will communicate with Academic Support and a student's faculty instructors and/or advisors at the request of the student in order to determine if alternate arrangements can be made to support a student's completion of academic assignments.

Types of Interim Measures:

At any time after a report of sexual misconduct occurs, the Title IX Coordinator/Investigator/ Director of Student Conduct may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, making alternative workplace arrangements or student housing arrangements, and suspension. When the Complainant and the Respondent participate in the same courses, reside in the same residence or in proximity to one another, or participate in the same activities (sports teams, organizations on campus, etc.) either party may request a fair and immediate interim remedy.

A student may be separated temporarily from University housing or temporarily reassigned to another residential location on campus. Their original housing location will be held until the process is over. It can be determined that residential relocation is a sanction when appropriate, and at that time the student will move permanently into a location determined by Residence Life.

Class schedule changes. Changes to a student's class schedule may be made on a temporary basis in the event it is deemed appropriate by the Title IX Coordinator or designee. Students may be sanctioned to a permanent change(s) through the normal adjudication process.

Restrictions from University activities and/or facilities. A student may be denied, on a temporary basis, participation in a college activity or privilege for which they may be otherwise eligible as the Dean of Students or their designee determine to be appropriate. Students may also be prohibited from certain facilities including, but not limited to, academic buildings, fraternities, athletic facilities and/or practice and competition spaces, and transportation services. Students may be sanctioned to a permanent restriction(s) through the normal adjudication process.

Work or job assignment changes: Changes to a student's work or job assignment (including internships) may be made on a temporary basis in the event it is deemed appropriate by the Dean of Students or the Director of Student Rights and Responsibilities.

A No Contact Order can help to ensure an environment in which individuals can focus on and pursue their education and/or work. While not the same as a state-mandated protection order, the University can issue a No Contact Order. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to: email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

In certain circumstances, it may be necessary to impose suspension immediately. The interim suspension is used when there is substantial reason to fear harm to persons or property, to ensure the safety and well-being of members of the University community, or when there is a threat of or actual disruption or interference with the normal operation of the University. During the period of interim suspension, a defiant trespass notice will be issued. Failure to comply with the terms of interim protections may be considered a separate violation of the Student Conduct Code (see Student Handbook).

Informal Resolution:

A Complainant may elect to pursue an informal resolution to a sexual misconduct complaint. The Title IX Coordinator or Vice President for Student Life has the discretion to determine if it would be appropriate to resolve a complaint under this Policy through informal resolution. An informal resolution is designed to officially resolve complaints promptly, and with mutual approval of all parties involved.

Informal resolutions include, but are not limited to, online education courses, counseling sessions, other educational remedies, or mediation of the complaint conducted by trained staff. Informal resolution may be used in certain cases involving sexual misconduct. Informal resolution will never be used in cases involving allegations of violent sexual assault (including rape, incest, or statutory rape). Both the Complainant and Respondent must agree to engage in informal resolution. Either party can end the informal resolution process at any time, for any reason, and begin the formal resolution process. Formal Resolution may not be initiated after the conclusion of Informal Resolution.

Outcomes of Informal Resolution:

At the conclusion of Informal Resolution, the Student Conduct Administrator or designated University administrator may propose a sanction agreed upon by the parties or may impose or continue a No Contact directive based on information derived from the Informal Resolution proceedings, taken together with any other relevant information known to the University at the time of the Informal Resolution. Actions imposed by the Student Conduct Administrator and designated University administrator may

include accommodations to living arrangements, academic courses, or employment; limitations of contact between the parties; and recommendation to counseling for the Respondent.

Formal Resolution:

Any member of the University community, guest, visitor or other interested party may make a report of an alleged violation of the University's Sexual and Gender Based Misconduct Policy. Complaints will be submitted to the Title IX Coordinator. While the University is firmly committed to protecting all students from harassment and discrimination in educational programs and activities, failure to file a timely complaint may adversely affect the ability of the University to investigate a complaint. The university is committed to providing all available resources regardless of when a complaint is filed.

Investigation Process

Upon receiving the complaint form, the Title IX Coordinator will begin an investigation or designate an Investigator. The Title IX Investigator will conduct a prompt and thorough investigation, which includes: interviews of parties involved, identifying and interviewing witnesses, gathering and securing all documentation, and identifying other information. The Investigator acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

At any time during the investigation, the Investigator may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate University officials. These protections or remedies may include, but are not limited to, separating the parties, placing limitations on contact between the parties, suspension, making alternative workplace arrangements, or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Student Conduct Code (see Student Handbook).

The investigation will be conducted to ensure the greatest degree of privacy of all parties involved. However, the institution's ability to promise confidentiality may be limited by its obligation to remedy the harassment or discrimination. All parties involved in the investigation are encouraged to respect the privacy of others involved in the process. Retaliation against the Complainant, Respondent, or witnesses is strictly prohibited. Proven retaliation by any individual will result in disciplinary action, up to and including expulsion, or other appropriate sanctions (See Non-Retaliation Policy Definition).

The investigation shall be concluded as quickly as feasible and within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner that is adequate, reliable, and impartial.

Completion of Investigation Process

Within 60 days of the initial complaint being filed, the Investigator will submit a written report to the Title IX Coordinator, or, if necessary, to the Vice President for Student Life. The report will detail allegations made by the Complainant, summarize the Complainant, Respondent, and witness meetings, and describe the findings of the investigation. However, due to the extensiveness or complexity of the issues of an investigation, more time may be needed to complete a thorough and equitable investigation. In those cases, the Complainant and Respondent will be notified in writing that additional time is required. Lack of cooperation by any witness or party will be noted on the investigation report and will not be a reason to delay the submission of the report to the Title IX Coordinator.

An Investigative Report will be compiled by the investigator, will be maintained in a confidential manner, and will be made available for review by the hearing committee and Complainant and Respondent prior to the hearing. The Investigative Report may include, but is not limited to the following:

- Complainant's statement
- Respondent's statement
- Witness statement(s)
- Investigative Summary
- Pertinent policies
- Other documents utilized by the investigator that are deemed relevant.

The Investigative Report is made up of confidential information. Therefore, the Complainant and Respondent may review the Report, but it will not be copied, and may not be removed by any party. Those reviewing the Investigative Report will be permitted to take notes. When appropriate, identifiable information may be redacted from the report before it is reviewed.

The Complainant and Respondent will meet separately with the investigator to review the Investigative Report. The Complainant and Respondent will review the report and may:

- Request that additional information be added to the report.
- Ask questions or request clarification.
- Recommend additional witnesses to be interviewed.

The Investigator will consider the requests of the Complainant and Respondent and add clarification to the report, add additional information, or interview additional witnesses as deemed reasonable.

If any changes are made to the report the Complainant and Respondent will again review the report. Once the report is reviewed by both parties and no additional changes need to be made as determined by the Investigator, the report will be presented to the hearing panel. The hearing panel may:

- Accept the report.
- Request clarification and ask questions.
- Request that additional information be gathered.

If additional information is requested by the hearing panel the Investigator will gather the information and repeat the above.

Once the Investigative Report is accepted, a hearing will be scheduled.

Hearing Process

In cases where there will be an administrative hearing or a hearing panel, every effort will be made to provide a hearing as soon as feasible following the conclusion of the investigation. Whenever possible, the Complainant and Respondent will be given at least 5 calendar days' notice to prepare for the hearing. The hearing is a closed proceeding and only the Complainant, Respondent, and relevant witnesses are permitted to attend. One advisor (parent, attorney, counselor etc.) may accompany involved individuals, but may not participate at the hearing.

The Complainant's and the Respondent's rights during the hearing process include:

- An explanation of the charges and the available options for remedy,
- Freedom from harassment by the Respondent (or supporters),
- Use of all available internal and external support services in dealing with the aftermath of the offense,
- An explanation of the University discipline system,
- The ability to speak on their own behalf during the proceedings,
- Freedom from having irrelevant sexual history considered during the hearing,
- Simultaneous notification about the outcome of the hearing,
- An opportunity to appeal the outcome of the hearing,

- An opportunity to review the documents and materials presented during the hearing,
- Documents will be redacted, removing the identifiable information of another student, in accordance with FERPA, and
- The right to a non-adversarial hearing in which neither the Complainant nor the Respondent will have the opportunity to ask the other questions. Typically, neither will be present in the room at the same time.

The goals of the hearing are: a) to allow both the Complainant and the Respondent the opportunity to present their experiences, discuss the investigative summary, and to ask questions pertinent to the incident(s) in question; b) to have the matter considered and decided by an impartial panel. This process is intended to determine whether there was a violation of University Policy. It is not a legal procedure.

Standard of Proof

The standard of proof to determine whether a policy violation has occurred is a preponderance of the evidence standard. This standard means that the fact finder must determine that it is more likely than not that sexual or gender based misconduct has occurred. This standard is significantly easier to meet than the “reasonable doubt” standard used in criminal cases.

The Hearing Panel

The hearing panel is charged with determining whether a Title IX Policy has been violated and if violated, will provide appropriate sanctions. Whenever feasible, the hearing panel will consist of one chair, and four trained employees. The Complainant and Respondent will be informed of the panel members prior to the commencement of the hearing. A party may challenge a panel member’s participation in writing if the party believes that the panelist is acquainted or associated with the case in any way. This written challenge must be received by the Title IX Coordinator within 3 calendar days of the hearing.

The Hearing Procedure

The Hearing Panel will have the opportunity to thoroughly review the investigative report and documentation submitted by the investigator prior to the hearing. The general course of the hearing procedure will be as follows:

- The Complainant and Respondent will be invited to present a brief statement of the facts to the hearing panel, if they so choose (impact statements are not permitted at this time).
- Members of the hearing panel may ask questions of the Complainant and Respondent.
- The Chair will ask for the members of the hearing panel to determine whether any additional clarification or information is needed from the Complainant, Respondent, investigator, or witnesses.
- The hearing panel will go into closed session to determine whether a violation of policy was committed.
- The decision of the hearing panel that a violation occurred or did not occur will be reached by a majority vote utilizing the preponderance of evidence standard (“more likely than not”).
- If the Respondent is found to have violated the sexual misconduct policy the hearing board will determine the sanction. The sanction will be based on consideration of the specifics facts of the case itself and relevant factors such as prior disciplinary history.
- The Chair will submit an outcome letter to the Title IX Coordinator within 2 calendar days.
- The Title IX Coordinator meet separately with each party to deliver the outcome of the hearing, explain any sanctions, and inform the students of the appeal process. Both parties will also receive the outcome in writing.

At the completion of the hearing, if it is determined that a Title IX Policy has been violated, the hearing panel will be able to review any impact statement submitted by either the Complainant and/or the

Respondent. The impact statement, a written explanation of how the offense has impacted him or her, may be no more than three pages and should be submitted to the Title IX Coordinator at the start of the hearing. The impact statement will ONLY be opened and read if it is determined that a Title IX violation has occurred. Otherwise, the sealed envelope will be returned at the time the written decision in the case is issued.

In cases where the Respondent and/or Complainant have chosen not to participate in the hearing procedure, the panel will commence and hear from the party (if one exists) who has chosen to participate in the process.

Due to the extensiveness or complexity of the issues of an investigation, more time may be needed to complete a thorough and equitable investigation. In those cases, the Complainant and Respondent will be advised in writing that additional time is required.

Administrative Hearing

A complaint may be resolved through an administrative hearing. The administrator is charged with determining whether a Title IX Policy has been violated and if violated, will provide appropriate sanctions. An administrative hearing is only considered if the Title IX Coordinator deems it appropriate, and both parties agree that they would prefer this type of hearing. Please note that either party may request that a hearing panel be provided instead.

Appeal Process

The purpose of the appeal process is to ensure that the policies and procedures of Mercyhurst University are administered in a fair and consistent manner. An appeal is a request to the Vice President of Student Life or designee to review a decision or action. Each party will be notified if the other party files an appeal, and will be provided the opportunity to respond in writing.

The issue in question is not the respondent's original action or incident; rather it is a request for reconsideration of the original decision. When an appeal is heard, the Vice President of Student Life or designee may recommend, eliminate, decrease, increase, modify, or uphold the initial decision or action.

The Complainant and Respondent may appeal: 1) the decision made by the hearing panel or administrator, or 2) the sanctions determined by the panel or administrator. There should be no expectation that an appeal will be successful simply because a party is unhappy with or disagrees with the original decision or action.

The three grounds upon which an appeal of the decision or sanctions may be made are:

1. The individual believes a procedural error occurred, which the individual feels may change or affect the outcome of the decision;
2. The individual has substantive new evidence that was not available at the time of the hearing and that may change the outcome of the decision;
3. The individual feels that the sanction issued as a result of the original decision was disproportionate for the violation, unwarranted or excessive in nature.

The written appeal request should:

- Be submitted within 7 calendar days of receipt of the University's decision to the Title IX Coordinator;
- Include the reasons for the appeal and the requested outcome.

Records:

All resolution proceedings, whether informal or formal, are conducted in compliance with the requirements of FERPA and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

- A. Other than University expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record:
- B. Information and disciplinary records are generally not released to third parties without the student's permission. There are two main areas of exception:
 - 1. The University may release information to parents without student consent when deemed appropriate and is not otherwise prohibited by FERPA or other applicable laws. The University's complete FERPA policy may be found in the Student Handbook.
 - 2. Information and/or records may be produced in response to a subpoena, warrant, or court order.
- C. In situations involving both a Respondent(s) and a student Complainant who is the victim or target of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the records of the Respondent and Complainant students.
- D. For cases involving a report, complaint, investigation, or informal conduct resolution, or formal conduct resolution under the purview of the Sexual and Gender Based Misconduct Policy, specifically for students found responsible for sexual assault, domestic violence, dating violence, stalking, and sexual harassment, The Title IX Office will retain a record of the report, complaint, investigation, informal, and/or formal conduct resolution for a period of no less than seven years after graduation or withdrawal. Personal identifiers will be removed from all records in accordance to the disciplinary records retention policy. These cases are discoverable by search warrant, subpoena, or federal audit.

Affirmative findings of responsibility in matters resolved through formal conduct resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record until graduation.

- E. Students seeking transfer to other schools or participation in off-campus study programs may also be requested or required to release their disciplinary records. Graduate schools, medical schools, law schools, and some governmental agencies may also request disclosure of student disciplinary records.
- F. Regarding students who withdraw from Mercyhurst with outstanding charges of a violation of the Sexual Misconduct and Relation Violence Policy: Upon receiving the appropriate release of information form signed by the student or former student, institutions and agencies (e.g. Common Application) inquiring as to a student's conduct record and/or eligibility to return or re-enroll at Mercyhurst University may be provided with information regarding the outstanding charges.

Sanctions:

If the Respondent is found to have violated Title IX policies, the panel will determine the appropriate sanctions. Consideration may be given to the nature of and circumstances surrounding the violation, prior disciplinary violations, precedent cases, University safety concerns, or any other information deemed relevant by the Title IX Coordinator. The Title IX Coordinator will provide each party with information detailing the sanctioning decision of the panel.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, ranging from a verbal warning to expulsion, depending on

the severity of the offense. Mercyhurst reserves the right to take whatever measures it deems necessary in response to an allegation of sex discrimination in order to protect the individuals' rights and personal safety. Such measures include:

- Reprimand/warning,
- Modification of living arrangements,
- Counseling assessment,
- Social or disciplinary probation,
- Removal from University housing,
- Suspension,
- Expulsion.

Legal Requirements

As residents of Pennsylvania and members of the Mercyhurst community, students have a right to be informed of the law and have a responsibility to obey the law, including the following: Section 6308 of the Pennsylvania Crimes Code states, "A person is guilty of a summary offense if being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or transports any alcohol, liquor, or malt, or brewed beverages." Section 493 of the Pennsylvania Liquor Code states, "It shall be unlawful for any person, to sell, furnish, or give away liquor or malt or brewed beverages, or to permit any liquor or malt or brewed beverages to be sold, furnished or given, to any person visibly intoxicated,... or to any minor, or to habitual drunkards, or persons of known intemperance habits.

"The Supreme Court of Pennsylvania stated in the case of Congini v. Portersville Valve Co., 504 Pa. 157, 470 a. 2d. 515 (1983) that social hosts are negligent per se in serving alcohol to the point of intoxication to a person less than 21 years of age, and they can be held liable for injuries proximately resulting from the minor's intoxication. That liability can extend to include claims for injuries to the intoxicated minor.

University Requirements

Municipal ordinances, the Pennsylvania Liquor Code and related state statutes and federal law govern all matters relating to alcohol. The drinking age in the state is 21. No person under the age of 21 is permitted to consume, transport, or possess any alcoholic beverages. As a member of the student body one is required to observe municipal, state, and federal laws. It is the university's policy as well, to adhere to all municipal, state, and federal laws, including those governing the use of alcohol.

Sexual and Other Harassment Policy

Mercyhurst University believes that everyone is entitled to equal opportunity regarding all aspects of his or her involvement with the university. It is therefore necessary that all members of the university community ensure that no individual or group is discriminated against due to race, color, creed, sex, sexual orientation, age, national origin, ancestry, marital status, physical and mental handicap, education, or any other condition. The university does not and will not tolerate harassment, sexual or otherwise, of any kind by any member or members of the faculty, administration, staff, or student body.

While the university subscribes to federal and state laws, which declare harassment to be unacceptable and illegal conduct, its policy is also predicated on the moral truth that all individuals are entitled to be treated with dignity and to be free from unwelcome physical and verbal intrusions to their bodies and to their minds.

The Mercyhurst University Title IX Coordinator is responsible for developing policy regarding sexual harassment on campus. An offender is always subject to university discipline. However, the Title IX Coordinator, along with campus advocates, also ensures that proper counseling and safeguards are available to victims of any type of sexual harassment or assault.

Various information sessions are provided to incoming students regarding the serious nature of and potential disciplinary action, and/or criminal charges that can result from any form of sexual harassment or assault. The Title IX Coordinator for Mercyhurst University is Alice Agnew. Her office address is Old Main 300 (Erie Campus), and her telephone number is (814) 824-2362. Ms. Agnew can provide assistance regarding information and consultation, resolution of informal complaints, and the filing of formal complaints. Discussions with the office of Mercyhurst University Counseling Services North East (725-6136) are completely confidential.

Sexual Assault Policy

Notification is hereby provided that the Sexual Assault Victims' Bill of Rights (the Ramstad Amendment) includes the following provisions:

- Both accuser and accused have the right to have others present (in support or advisory roles) during a campus disciplinary hearing;
- Both parties have the right to be informed of the outcome of any disciplinary hearing involving sexual assault;
- Students have the right to be informed of their options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities if the student so chooses;
- Survivors have the right to be notified of available counseling, mental health or student services for victims of sexual assault, both on campus and in the community; and
- Students have the right to be notified of their options for, and available assistance in, changing academic and living situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available.

What to Do If You Are a Victim of Improper Sexual Conduct

1. If you need assistance, you should contact a resident assistant, police and safety officer, or counselor to discuss the procedures you wish to follow.
2. Do not change clothes or shower.
3. Go to the hospital for treatment of injuries, a medical examination, and a collection of evidence of sexual assault.
4. Determine whether you would like to pursue action either through the university judicial system or the criminal court system or both. The university will assist you in notifying the appropriate university personnel and the local law enforcement agency to accomplish this.
5. Seek counseling to help cope with what has occurred.
6. Report the crime to the Mercyhurst University Police and Safety Department at 725-6103. If you do not wish to report the incident to the police, or are unsure as to what you want to do, you should contact the director of the North East Counseling Center at 725-6136.

Victims are encouraged to contact local law enforcement to report incidents of sexual assault

Title IX

In accordance with Title IX of the Education Amendment Act of 1972, Mercyhurst University prohibits discrimination based on sex in its educational and athletic programs, as well as in extracurricular activities sponsored by the University. This includes a prohibition against any type of gender based sexual harassment, discrimination, or violence. To ensure compliance with Title IX and other federal and state civil rights laws, the University has developed policies and procedures that prohibit sex discrimination by any members of its community including students and employees.

Definitions/Terminology:

Stalking - means a course of conduct directed at a specific person that would cause a reasonable person to fear for their or others' safety, or to suffer substantial emotional distress.

Dating violence - means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Domestic violence - includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Consent - involves explicit communication and mutual approval for the act in which the parties are/were involved. A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. The absence of "no" is not a "yes".

Please note: The use of alcohol or drugs will never excuse behavior that violates this policy.

Sex Discrimination - any behaviors or actions that deny or limit a person's ability to benefit from, or fully participate in the educational programs, activities or employment opportunities because of a person's sex.

Sexual Harassment - any unwelcomed conduct of a sexual nature that includes unwanted sexual advances, requests for sexual favors, and other visual, verbal, nonverbal, or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made a term or condition of employment or educational relationship;
- (2) Submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or
- (3) Such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment.

Sexual Misconduct - encompasses any sexual behaviors that violate Mercyhurst University's Code of Conduct and/or Title IX policy. In general, any nonconsensual physical contact of a sexual nature may constitute Sexual Misconduct.

Complainant - a person who initiates the complaint process

Respondent - a person against whom a complaint is filed

Witness - a person that is present during an incident that violates the Title IX Policy

Non-Retaliation Policy

Mercyhurst University strictly prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sex discrimination. Any person who violates this policy will be subject to discipline, up to and including expulsion.

Title IX Investigations

- Once a complaint has been filed, an Investigator will be appointed.
- The Investigator will conduct an investigation related to the incident. Individuals involved (complainants, respondents, and witnesses) will be contacted as part of the investigation.
- Parties will meet individually with the Investigator.
- Upon conclusion of the investigation, and in accordance with the Title IX Policy, the administrator or the hearing panel will recommend one of the following actions:
 - No further action to be taken at this time,
 - Refer to an administrative hearing, or
 - Refer to a hearing panel.
 - The administrator or the hearing panel will determine:
 - If a violation occurred,
 - The nature of the violation, and
 - The appropriate response.
 - Both the complainant and respondent will be notified of the administrator's and the hearing panel's decision and both have the right to appeal.

- Confidentiality will be respected to the degree permitted by Title IX regulations.

Title IX Hearing Information

- Mercyhurst University aims to have all investigations complete within 60 days from receipt of the complaint.
- Mercyhurst University may take interim measures to ensure that all involved parties are not interacting with each other. These measures may include, but are not limited to: adjusting class schedules, making alternate housing arrangements, issuing “no contact” orders to all involved parties, and possible interim suspension of the respondent.
- Mercyhurst University ensures an equitable process, where both complainant and respondent will be afforded an opportunity to present relevant witnesses and other evidence.
- The complainant and respondent will be afforded similar access to information used at the hearing.
- No direct cross-examination is permitted during the investigation, hearing or appeal process. At the discretion of the board, advocates may accompany involved individuals but may not participate at the hearing.
- The Title IX Board will use a preponderance of evidence as the standard of proof (i.e. more likely to have occurred than not to have occurred).

Notifying the Mercyhurst University Police and Safety Department

In addition to notifying a member of the Mercyhurst University administration of improper sexual conduct, we strongly encourage students who are victims of improper sexual conduct to cooperate with North East Borough Police or the Pa. State Police to bring about a prosecution in the criminal court system. All sexual assaults and other serious offenses will be investigated by the North East Borough Police Department or the Pa. State Police with the cooperation and assistance of the Mercyhurst University Department of Police and Safety.

When an incident of sexual assault is reported to a university employee and the victim is willing to make a formal complaint to the Mercyhurst Police and Safety Department or the law enforcement department having jurisdiction, the employee should:

1. Contact the Mercyhurst University Police and Safety Department at (814) 725-6103, or any other campus security authority.
2. The Police and Safety Department will:
 - a. Advise the victim that the North East Borough Police Department or Pa. State Police will be contacted and will investigate the incident and make a determination as to what charges will or will not be filed. Police and Safety will also advise the Title IX Coordinator who will take independent disciplinary action as needed;
 - b. Arrange to transport the victim to an approved rape treatment center for medical treatment;
 - c. Notify the victim of their option of access to existing counseling services on campus and in the community;
 - d. Notify the counselor on call;
 - e. Notify the on-duty assistant director of residence life.
3. The director of the counseling center will:

- a. Maintain contact with the Title IX Coordinator and coordinate counseling support services for the victim;
- b. Work with the academic dean and/or the assistant vice president of student affairs, if the victim so requests, to arrange for alternative classes and/or housing if such classes and housing are reasonably available.

If the complainant does not want to report the incident to the police, or is unsure what they want to do, the university employee should:

1. Contact the Counseling Center at campus telephone extension 725-6136.
2. As of April 2011, under Title IX of the Education Amendment of 1972 an investigation is to be completed.
 - The investigation will be conducted by our Title IX Coordinator through residence life.
3. Contact the Title IX Coordinator

Formal Complaint Process

Allegations and complaints of any type of harassment must be reported as soon as possible and should be made in writing to the Title IX Coordinator. The complaint process will follow the specific guidelines set forth below. If a charge of harassment cannot be resolved through informal procedures, or if a person who believes he or she has been harassed wishes to pursue formal procedures, the complainant may choose to utilize a more formal process.

Investigation

Investigation into a sexual harassment allegation will be headed by the Title IX Coordinator or designee. All parties and witnesses and any other persons who may have information that would help settle the matter would be interviewed separately. When at all possible, all persons who could corroborate one another's stories will be called in to make statements simultaneously, so that outside corroboration cannot take place.

Hearing Process

In cases where there will be an administrative hearing or a hearing panel, every effort will be made to provide a hearing as soon as feasible following the conclusion of the investigation. Whenever possible, the complainant and respondent will be given at least 7 calendar days' notice to prepare for the hearing. The hearing is a closed proceeding and only the complainant, respondent, and relevant witnesses are permitted to attend. One advocate (parent, attorney, counselor etc.) may accompany involved individuals, but may not participate at the hearing.

The Complainant's and the Respondent's rights during the hearing process include:

- An explanation of the changes and the available options for remedy,
- Freedom from harassment by the respondent (or supporters),
- Use of all available internal and external support services in dealing with the aftermath of the offense,
- An explanation of the University discipline system,
- The ability to speak on their own behalf during the proceedings,
- An opportunity to present witnesses who can speak about the charges, character witnesses excluded,
- Testify on his/her own behalf,
- Freedom from having irrelevant sexual history considered during the hearing,
- Information about the outcome of the hearing,
- An opportunity to appeal the outcome of the hearing,
- An opportunity to review the documents and materials presented during the hearing,
- Documents will be redacted, removing the identifiable information of another student, in accordance with FERPA, and
- The right to a non-adversarial hearing in which neither the complainant nor the respondent will have the opportunity to ask the other questions. Typically, neither will be present in the room at the same time. The Hearing Procedure

The Hearing Panel will have the opportunity to thoroughly review the investigative report and documentation submitted by the investigator prior to the hearing. The general course of the hearing procedure will be as follows:

- Complainant statement,
- Questions to the complainant,
- Closing statement by complainant,
- Respondent statement,
- Questions to the respondent,
- Closing statement by respondent,
- Witness testimony and questioning (if the hearing panel determines it is necessary), • Clarification from the investigator (if the hearing panel determines it is necessary), and
- Opportunity to follow up with any party.

The panel may impose time limits on any stage of the procedure. The panel may determine the relevance of and place restrictions on any witnesses or information presented. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for the parties to participate via alternate means (phone, Skype, etc.). In cases where the respondent and/or complainant have chosen not to participate in the hearing procedure, the panel will commence and hear from the party (if one exists) who has chosen to participate in the process.

At the conclusion of the hearing process, the University will provide written notification to the parties involved of the outcome and resolution of the hearing within seven calendar days. Once

written notification of the resolution has been received, the parties involved will have the opportunity to appeal the findings. The appeal should be submitted in writing to the Title IX Coordinator within seven calendar days of the date of the written decision notification.

Due to the extensiveness or complexity of the issues of an investigation, more time may be needed to complete a thorough and equitable investigation. In those cases, the complainant and respondent will be advised in writing that additional time is required.

Consequences and Possible Sanctions

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, ranging from a verbal warning to expulsion, depending on the severity of the offense. The University reserves the right to take whatever measures it deems necessary in response to an allegation of sex discrimination in order to protect the individuals' rights and personal safety. Such measures include, but are not limited to:

- Reprimand /warning,
- Modification of living arrangements,
- Counseling assessment,
- Social or Disciplinary probation,
- Removal from University housing,
- Suspension,
- Expulsion, and/or
- Arrest and Prosecution

Registered Sex Offenders

The Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act determined the requirements for sexual offender registration and community notification. In accordance with this Act information concerning registered sex offenders may be obtained by going to the Web site:

www.pameganslaw.state.pa.us

An e-mail request may then be submitted to the Pennsylvania State Police for information regarding registered sex offenders.

Emergency Response and Evacuation Procedures

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, the Director of Public Relations will immediately notify the campus community at the direction of the Emergency Response Team. The larger community will be notified by the Director of Public Relations at the direction of the Emergency Response Team as well. The Mercyhurst University Emergency Response Team will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system which can include announcements from the Director of Public Relations as well as campus emails and the E2 cell phone notification system. Announcements can also be made on the Mercyhurst University Website. This notification will take place unless the notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The emergency will be evaluated by the correct members of the Emergency Response Team. The correct emergency level will be assigned. If a Level I or Level II emergency exists, the members of the Emergency Response Team will determine whom to notify and how.

INITIAL EMERGENCY COMMUNICATIONS WILL BE SENT IMMEDIATELY AND CONVEY ONLY THE MOST CRITICAL INFORMATION.

Members of the university community can subscribe to the E2 campus notification system at my.mercyhurst.edu. The subscription can be found in the residence life section of the portal under “Resources” on the left hand column.

The Mercyhurst University Emergency Response Team Members are:

Vice President of Mercyhurst North East
Vice President of Academics
Vice President of Admissions
Vice President of Students
Human Resources / Administrative Services
Chief of Police and Safety
Deputy Chief of Police and Safety
Lieutenant of Police and Safety

Sergeant of Police and Safety
Director of Protective Services
Director of I.T. Services Director of
Counseling Services
Director of Media Relations
Director of Physical Plant

Emergency Response

Mercyhurst University includes a written plan that addresses the ability of the university to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, staff and employees.

The university, without delay, will take into account the safety of the university community and initiate the notification system, respond to, or otherwise mitigate the emergency. The process to accomplish this notification is identified in the university Emergency Response Plan (ERP) and Emergency Response Guide (ERG).

On Campus Notifications:

1. Broadcast email messaging
2. Cellular phone text messaging (E2)
3. Broadcast voicemail messaging
4. Messaging to all classroom “smart” podiums
5. Web Site announcements
6. Other media

The university includes the utilization of in-place building protections and systems for the notification of occupants in the event of an emergency.

- Fire Alarm Systems.
 - I. These systems are tested and maintained in accordance with accepted codes and standards.

Emergency notification methods are tested annually to ensure reliability:

- The Emergency Response Plan is periodically reviewed. Updates and changes are completed as necessary.
- The notification processes are tested at least annually.
- Meetings are regularly held throughout the year with key personnel and stakeholders.

Physical testing of systems notification:

- All in-place methods of emergency notification are tested by announced activations.
- Call lists are updated • Response levels reviewed
- Communications tested.
- Operations Center reviewed.
- Planning the exercise
- Developing methods
- Conducting exercise
- Evaluating testing results

Testing Procedure:

- Conduct testing
- Alert the community
- Measure test response
- Evaluate effectiveness
- After action evaluation

The periodic review of the university Emergency Notification methods is a continuing process. Through these evaluations, methods have been developed and included in the university ERP.

Recent results:

- Increase of notification testing to once per semester (2 times annually)
- Planning of physical emergency evacuation exercises (drills).
- Measure response of Emergency Response Team
- Develop special projects to include the expansion of physical notification methods.
- A tabletop exercise has been instituted by the ERP and used to practice an emergency situation that may occur on campus.

Missing Person Policy

The purpose of this policy is to establish procedures for the university response to reports of missing students, as required by the Higher Education Opportunity Act of 2008.

This policy applies to students who reside in on campus housing.

For purposes of this policy, a student may be considered to be a “*missing person*” if the person’s absence is contrary to their usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare.

I. Procedures for designation of emergency contact information

a. Students age 18 and above and emancipated minors:

Students will be given the opportunity during each semester registration process to designate an individual or individuals to be contacted by the university no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student. This designation will be held confidentially over the course of this time. If it is not immediately clear to the Office of Police and Safety if a minor is emancipated, they will be treated as a student who is not an emancipated minor addressed below.

b. Students under the age of 18:

In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the university is required to notify a custodial parent or guardian and any designated contact person no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

II. Official notification procedures for missing persons

- a. Any individual on campus who has information that a resident student may be a missing person must notify the Office of Police and Safety as soon as possible. Note: In order to avoid jurisdictional conflicts when an off-campus and/or commuter student is believed to be missing, the reporting person should immediately notify local law enforcement authorities. The Office of Police and Safety will assist off campus authorities with these investigations as requested.
- b. The Office of Police and Safety will gather all essential information about the resident student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental wellbeing of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
- c. If the above actions are unsuccessful in locating the student or it is immediately apparent that the student is a missing person (e.g., witnessed abduction), the Office of Police and Safety will contact the appropriate local law enforcement agency to report the student as a missing person and the local law enforcement agency will take charge of the investigation.
- d. No later than 24 hours after determining that a resident student is missing, the Assistant Vice President of Student Life will notify the emergency contact (for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

III. Campus communications about missing students

- a. In cases involving missing persons, law enforcement personnel are best situated to provide information to the media that is designed to elicit public assistance in the search for a missing person. Therefore, all communications regarding missing students will be handled by outside law enforcement authorities, who may consult with the university Office of Public Relations. All inquiries to the university regarding missing students, or information provided to any individual at the university about a missing student, shall be referred to the Office of Police and Safety, who shall refer such inquiries and information to law enforcement authorities.

b. Prior to providing the Mercyhurst University community with any information about a missing student, the Office of Public Relations shall consult with the Office of Police and Safety and with local law enforcement authorities to ensure that communications do not hinder the investigation. Security, Safety and Crime Prevention Programs

Safety and security issues are reviewed during resident assistant training, freshman orientation, and other meetings in an effort to foster a trusting and productive relationship with students and staff. Additional programs include:

- A handout is given to each freshman resident student detailing various precautions students can take to lessen their chances of being a victim of a sex offense.
- Resident assistants participate in extensive training from the Crime Victims Center, and the college Counseling Center that addresses these issues and how the resident assistants should respond when dealing with someone they suspect has been a victim of a sexual offense.
- New resident assistants attend an on-going training class through the first term that addresses safety and security issues.
- During mandatory meetings, resident assistants and assistant directors discuss various precautions students should take to lessen their chances of becoming a victim of a sex crime or other offense.
- In September, as a part of Welcome Week, the Student Activities Council sponsors a program titled Hypnotic Intoxication which features an alcohol consumption, behavior and responsibility for self and friends lecture and the actual hypnotism of several students who then act out many alcohol related behaviors.
- In October, during National Collegiate Alcohol Awareness Week, Campus Involvement Center coordinates and co-sponsors a week-long series of events. The week is comprised of speakers, events and activities geared at educating students on topics such as alternatives to alcohol consumption, the effects of consuming alcohol, recognizing alcohol related problems and abuse, and what to do/how to react when alcohol problems and abuse arise.
- In March, during Women's History Month, information is provided and programs offered regarding mental and physical health and well-being. Also, a wellness Fair is held in collaboration with several offices and academic departments to inform students on the seven dimensions of health.
- Throughout the year, workshops are randomly scheduled on subjects such as self-defense, date rape, crisis response, and conflict management.

Drug and Alcohol Abuse Education Programs

During the fall term, each incoming residential and commuting freshman student is required to take *Alcohol-Wise*, an online alcohol prevention course. Freshman students must earn at least a 75 percent on an exam at the end of the course as well as complete a follow up module 30 days following the completion of the exam. In addition to this mandatory course, freshmen take part in alcohol education and positive decision-making sessions during freshman orientation just prior to the start of the academic year. Furthermore, students found in violation of the university's alcohol and drug policies are mandated to complete an alcohol/drug education course. Students take *Alcohol Edu for Sanctions* or "*Under the influence*" for the first time and less severe alcohol policy violations. In more severe or repeat offenses, students may be required to attend staff taught alcohol courses or participate in personal counseling to promote healthy and responsible decision making skills.

Timely Warning Policy

The Mercyhurst University Police and Safety Department will issue timely warnings to the university community whenever emergency, safety, and/or other security issues arise that pose a potential threat to students, faculty, or staff, whether the event(s) giving rise to the warnings occur on or off campus. Timely warnings may be made in any of the following ways:

1. A letter may be sent to all employees and students.
2. Information may be published in the university student newspaper (*The Chancellor*).
3. Information may be published in the university newsletter (*The Morning Buzz*).
4. Information may be displayed in the cafeteria and the student union.
5. Information may be posted on the police and safety department home page.
6. Flyers may be posted on university bulletin boards, and/or distributed by assistant housing directors and resident assistants.

Facilities

There are two residence halls located within the North East campus main structure: both are coed. There are 24 townhouses located north of the building proper, and both male and female students may occupy these apartments. Freshmen are assigned to the residence halls and townhouses using information provided by them on their submitted contract, or upon their request for a specific roommate. Upperclassmen select each other in either the residence halls with doubles or singles (on a space-available basis) or in the townhouses. Transfers are assigned according to their preferences for hall or apartment living. Changes may be made at the end of each trimester upon request of the resident and/or at the discretion of the university.

At both male and female residence halls, guests are required to check in at the desk and provide photo identification. Visits by members of the opposite sex are limited to visiting hours. Guests must be 18 years of age, or siblings of the resident, to enter the resident halls. Any visitor under the age of 18 requires parent approval and emergency contact information. All residents are informed of housing and visitation policies via the Student Handbook and during an initial meeting at the beginning of the term. Additional meetings are held and notification is sent on an as-needed basis.

Students granted permission to stay on campus during breaks having made special arrangements with the university are reminded that since there will be fewer students around they should be especially cautious. Guests may not stay on campus unless registered with the Director of Student Life, and then only for a maximum of three days. Prospective freshmen brought to campus are supervised by the admissions staff and are not permitted in regular student rooms unless they are invited.

High-pressure sodium and metal halide lamps light the campus. Police and Safety Department personnel report safety concerns to the maintenance department either immediately or on a daily basis. A continuous attempt is made to trim and/or eliminate large bushes and other obstructions around entranceways or paths. Safety hazards are corrected when discovered or reported. An emergency call box is located at the outside entrance of the main Mercyhurst North East building. Background checks are conducted on everyone hired by the police and safety and maintenance departments, and all other departments are encouraged to carefully check references and resumes of their applicants.

Access to Campus

Mercyhurst has all of its facilities open during the normal workday. Guests of the university are invited to visit specific areas. During theatrical, athletic, and other special events particular areas are open and/or available at specific times to both the general public and the Mercyhurst University community.

Daily Crime Log

The Police and Safety Department must maintain a daily crime log, which lists all crimes reported to the Police and Safety Department that are committed on campus and on public grounds immediately adjacent to the campus. The crime log must contain information concerning the nature, date, time, and general location of each crime, and the disposition of the incident, if known. The crime log for the Mercyhurst University North East campus is maintained at the Police and Safety office. Mercyhurst University students, faculty, administrators, staff, and the general public can view the crime log any time.

Student Responsibility Regarding Safety and Security

Mercyhurst University is a very safe and secure university. However, with all of the available activities on campus, it can be easy to become careless about safety and security issues. The cooperation and involvement of each member of the Mercyhurst University community in campus safety and security is critical. Community members must assume responsibility for their own personal safety and for the security of their own property, as well as the property and assets of the university. Individuals are expected to take necessary precautions to avoid being victimized. Those responsibilities include, but are not limited to:

1. Report any safety and security concerns to the Department of Police and Safety at 725-6103, or the director of administrative services at 725-6399.
2. Apartment and residence hall room doors should be locked at all times.
3. Strangers should never be allowed into apartments or residence halls. If and when a stranger is found to be wandering in and around student apartments or residence halls, their presence should be immediately reported to the Department of Police and Safety.
4. Students with cars or other vehicles must park them in designated areas as identified by color coded signs and keep them locked at all times. Valuables left in cars should be locked inside the vehicle trunk.

Campus Security Act Definitions

Aggravated Assault:

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

Arson:

To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

Burglary:

The unlawful entry of a structure to commit a crime therein. (On campus this is breaking into an office that is not normally open for public access, or breaking into a residence hall bedroom).

Hate Crimes:

Any of the crimes listed, and other crimes involving bodily injury to any person in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability of the victim, that are reported to campus Police and Safety Department, or local police agencies.

Manslaughter:

The killing of another person through negligence.

Motor Vehicle Theft:

The theft or attempted theft of a motor vehicle. (Includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

Murder:

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

Robbery:

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

Sex Offenses, Forcible:

Any sexual act directed against 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 consent.

Forcible Rape:

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of their youth).

Forcible Sodomy:

Oral or anal sexual intercourse with another person, forcibly will; or not forcibly against the person's will where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

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 where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.

Forcible Fondling:

The touching of the private body parts of another person for the purpose of sexual gratification, 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 their youth or because of their temporary or permanent mental incapacity.

Theft:

The unlawful taking of property or services belonging to or provided by another thus depriving its owner of its use or compensation.

Sex Offenses,

Non-forcible:

Unlawful, non-forcible sexual intercourse

Incest:

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

Statutory Rape:

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

LOCATION DEFINITIONS

On campus:

Any building or property owned or controlled by an institution of higher education within the same reasonably contiguous area of the institution and used by the institution in direct support of, or in a manner related to, the institution's

educational purposes, including residence halls, (Includes all academic, administrative, and athletic buildings on the main campus, all campus parking lots and common areas).

On campus residential:

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

Non-campus building or property:

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

Public property:

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

Crime Statistics

The statistics provided in this year's 2018 annual security report have been compiled and published using guidelines provided by the Pennsylvania College and University Security Act and the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as amended.

CATEGORY	VENUE	2016	2017	2018	Unfounded
CRIMINAL HOMICIDE: MURDER & NON-NEGLIGENT MANSLAUGHTER	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
NEGLIGENT MANSLAUGHTER	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
SEX OFFENSES: FORCIBLE	On Campus***	0	1	4	
	In Dormitories and Other Residential Facilities	0	1	3	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
SEX OFFENSES NON-FORCIBLE	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
ROBBERY	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
AGGRAVATED ASSAULT	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
BURGLARY	On Campus***	6	5	1	
	In Dormitories and Other Residential Facilities	6	5	1	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
ARSON	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
MOTOR VEHICLE THEFT	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	

HATE CRIMES		2016	2017	2018	Unfounded
LARCENY / THEFT	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
SIMPLE ASSAULT	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
INTIMIDATION	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
VANDALISM	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	

Number of Arrests CATEGORY	VENUE	2016	2017	2018	Unfounded
LIQUOR LAW VIOLATIONS	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
DRUG RELATED VIOLATIONS	On Campus***	0	1	0	
	In Dormitories and Other Residential Facilities	0	1	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
WEAPONS VIOLATIONS	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	

Number of
Disciplinary
Referrals

CATEGORY	VENUE	2016	2017	2018	Unfounded
LIQUOR LAW VIOLATIONS	On Campus***	62	86	52	
	In Dormitories and Other Residential Facilities	62	86	52	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
DRUG RELATED VIOLATIONS	On Campus***	29	71	47	
	In Dormitories and Other Residential Facilities	29	71	45	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
WEAPONS VIOLATIONS	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	

Violence Against
Women Act

		2016	2017	2018	Unfounded
DATING VIOLENCE	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
DOMESTIC VIOLENCE	On Campus***	0	0	0	
	In Dormitories and Other Residential Facilities	0	0	0	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	
STALKING	On Campus***	0	1	1	
	In Dormitories and Other Residential Facilities	0	1	1	
	In or On a Non-Campus Building or Property	0	0	0	
	On Public Property	0	0	0	

*** This category includes all on-campus incidents, including “In Dormitories or other Residential facilities.” Therefore, the categories are not cumulative, but duplicative. Please note that a formal police investigation and a subsequent formal police report are not required in order for criminal activity to be included in annual security report statistics. Students need only report the incident to any university official who has a significant responsibility for student and campus activity.

The Mercyhurst University Chief of Police prepares this report using the following procedures:

1. All Police and Safety Department incident and other reports are reviewed.
2. All Residence Life reports are reviewed.
3. The Daily Crime Log is reviewed.
4. The Police and Safety, Housing, and Student Affairs Departments are surveyed, as well as other individuals having significant responsibility for student and campus activities.
5. All disciplinary letters issued to students during the reporting period are reviewed.
6. A request is made to all law enforcement agencies having jurisdiction at Mercyhurst University facilities to provide information regarding incidents investigated and arrests made on Mercyhurst University property and public property within a reasonable contiguous geographic area of the university. Note also that reported crimes may involve individuals not associated with Mercyhurst University.

MERCYHURST UNIVERSITY

2018 HEOA CAMPUS FIRE SAFETY RIGHT TO KNOW REPORT

MERCYHURST NORTH EAST CAMPUS

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MERCYHURST UNIVERSITY NORTH EAST

2018 HEOA / CLERY

Disclosure of Fire Safety Standards and Measures

Mercyhurst University is an eligible institution that maintains on-campus student housing facilities and is required to participate under this title.

NORTH EAST CAMPUS

A. 2018 On-Campus Student Housing Fire Statistics

There were no fire events in Mercyhurst North East student housing facilities

On campus student housing facility fire safety systems:

Student Living Apartments

- **North Campus Townhouses** There are 3, 8 unit buildings. All living units are equipped with 110V / battery back-up, code compliant local smoke detection. All units are equipped with ABC Portable Fire Extinguishers.
- **West Campus Townhouses.** There are 12 student living units. All units are equipped with 110V / battery back-up, code compliant local smoke detection. All units are equipped with ABC portable fire extinguishers.

Dormitories:

- **Redemptorist Hall** is a 2-story, 14 pod-type living unit dormitory. The building is protected by an automatic fire alarm system comprised of photoelectric automatic smoke detection, fixed temperature heat detection, manual fire pull stations and horn / strobe fire alarm notification. The building is equipped with full fire sprinklers. Each living unit is equipped with an ABC portable fire extinguisher.
- **Neumann Hall** is a 4 story, 45 living unit dormitories. The building is protected by an automatic fire alarm system comprised of photoelectric automatic smoke detection, fixed temperature heat detection, manual fire pull stations and horn / strobe fire alarm notification. The building is equipped with full fire sprinklers and Class-1 standpipes. Common areas are equipped with ABC portable fire extinguishers

A. Mandatory / Supervised Fire Exit Drills B. Rules / Policies on Portable Electric Appliances, Open Flames, Smoking

- Fire exit drills are conducted quarterly in all freshman housing dormitories.
- All rules and policies and regulations concerning fire safety in any student residence are proscribed and defined in the Mercyhurst University Student Handbook. These regulations are enforced by the Residence Life office by periodic health and safety inspections.
- Electrical Appliances that are prohibited or pose a potential hazard are confiscated and removed in accordance with the housing rules and regulations section of the Student Handbook and any /all applicable local fire code requirements.

Appliances that are inspected for proper working order or compliance are:

- Electric blankets, heating pads
- Lamps (halogen bulbs and lamps are prohibited)
- Stereos, TV's, VCR's, computers and equipment, hair dryers / curlers, hot air popcorn poppers, microwaves, coffee pots, electric razors
- Power strips, extension cords, multi plug adaptors
- Hot plates, sun lamps, toaster ovens, electric fryers, fog machines are all prohibited appliances
- Open Flames
- Candles, incense, and smoking are prohibited in all student living units **Procedures for**

Student Housing Evacuations in the Event of a Fire

- University policy is that in the event of any fire alarm, in any University operated building, all occupants are required to; or directed to evacuate the building utilizing the nearest exit. Once the occupants have been evacuated, they are directed to pre-designated areas of assembly. The University does provide portable fire extinguisher orientation to residence life staff but does not encourage suppression activities; building evacuation is the priority function. All automatic fire alarm systems are monitored by the University's Police and Safety operations and all received active fire alarms are forwarded to the appropriate fire agency using our established 911 reporting protocol. Follow-up calls to the Police and Safety operations are encouraged from building representatives for the provision of fire event information. The building is not re-occupied until instructed by responding emergency personnel. In the event of a significant emergency, occupants are relocated to pre-designated areas of refuge utilizing established emergency response protocols.

Fire Safety Training

- Fire safety training is provided on an annual basis to all Residence Life staff
- Portable fire extinguisher training is provided to all Residence Life staff
- Emergency evacuation training is provided to all Residence Life staff

Fire Safety Education

- Fire safety / prevention education is periodically offered to the university community
- Fire safety / prevention information is presented by the Fire Safety office to the entire University community during national Campus Fire Safety Month and during National Fire Prevention Week (2nd week of October)

Future Improvements in Fire Safety

- Fire and Life Safety is an ongoing and daily awareness of conditions that could cause or contribute to the cause of fire.
- Periodic fire safety presentations offered to University employees and staff in all departments.
- The University is including and investing in the upgrade and replacement of aging fire protection equipment and protections as a part of its capital improvements budget. These projects are a part of a multi-year plan the University is organizing in response to a Facilities Conditions Assessment Report conducted by Aramark Corp in 2007.

Fire Safety Testing, Inspection and Maintenance

- All installed fire alarm systems are tested, inspected and maintained annually in accordance with accepted codes, standards and references.
- All installed fire safety systems are periodically inspected for proper operation.
- An annual Fire Safety / Fire Risk Analysis is conducted for all University owned buildings
- Any / all reported fire safety concerns are addressed in a timely manner, mitigated and reinspected for compliance

2018 MERCYHURST NORTH EAST CAMPUS

Building	Auto Fire Alarm System	Local Smoke Detection	Fire Sprinklers	Standpipes	Portable Fire Extinguishers
Neumann Hall	X	X	X	X	X
Redemptorist Hall	X	X	X		X
South Townhouses (12)		X			X
West Townhouses (6)		X			X
East Townhouses (8)		X			X

2018 Fire Statistics North East Campus

Building / Date	Injury	Death	Dollar Loss
0	0	0	0
0	0	0	0
Totals	0	0	0