



# 2020 ANNUAL FIRE SAFETY & SECURITY REPORT FOR THE STATE SYSTEM CENTER CITY





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# 2020 ANNUAL FIRE SAFETY & SECURITY REPORT FOR THE STATE SYSTEM CENTER CITY

FOR 2019 – 2020 ACADEMIC YEARS,  
CONTAINING CRIME STATISTICS FOR 2017, 2018, AND 2019

## INTRODUCTION

The PASSHE Center City Philadelphia campus is located in the Mellon Independence Center, 701 Market St. Concourse Level Philadelphia, PA 19106; phone 267-386-3001. The PASSHE Center City campus is one multi-university center. West Chester University is currently the only participating University in the State System Center City campus. Admissions, Financial Aid, Tuition and Fees questions should be directed to the West Chester University [www.wcupa.edu](http://www.wcupa.edu)

Safety on all campuses of higher education is a source of concern for parents, students, and employees, and no campus is entirely isolated from crime. The PASSHE Center City campus is no exception; however, the PASSHE Center City campus has developed policies and implemented procedures, in conjunction with the Mellon Independence Center, to increase safety and security awareness and to provide precautionary measures for all campus community members. This publication is designed to provide an overview of those safety and security measures.

The PASSHE Center City campus, as recipients of federal Title IV student financial aid, are required to adhere to the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the Clery Act. One provision of the Clery Act is that all postsecondary institutions receiving federal Title IV financial aid must publish an annual security report disclosing campus security policies and the most recent three years crime statistics. In compliance, this report is prepared by the West Chester University and made available to PASSHE Center City campus community and others, with the cooperation of local law enforcement agencies and the West Chester University.

This publication is distributed in accordance with the Pennsylvania College and University Security Information Act (24 P. S. § § 2502-1-2502-5) and the following federal statutes: Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 486(e) of Public Law: 105-244 and The Accuracy in Campus Crime Reporting Act of 1997.

► **There is no housing associated with the PASSHE Center City Campus**

## UNIVERSITY STUDENT/EMPLOYEE POPULATION – FALL SEMESTER 2020

Student enrollment and employee figures are based on actual student head count. All figures are calculated at the beginning of the fall semester each year.

### West Chester University

Undergraduate	48
Graduate	114
Non-Student Employees	33

### Pennsylvania's PASSHE Center City, Philadelphia

Undergraduate	48
Graduate	114
<b>Total</b>	<b>162</b>
Non-Student Employees	33
<b>Total Center City Campus</b>	<b>195</b>

## GEOGRAPHIC LOCATIONS

PASSHE Center City campus is required to report crime statistics for Clery-designated crimes and to issue timely warnings for those crimes that represent a severe and continuing threat in the following geographic locations: *on campus, public property and non-campus buildings and property.*

### On Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).

### Public Property

The term "public property" means all public property that is within the same reasonably contiguous geographic area of the institution such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes. For the PASSHE Center City campus, streets, alleys, sidewalks, and parks that are adjacent to campus or that bisect campus, would be included as public property.

### Non-Campus 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 education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.

► **Clery crime and arrest statistics and Uniform Crime Reporting statistics are located in Appendix A**

## REPORTING CRIMES

### Who is responsible for campus security?

If a crime has been committed in the Clery geographical area, the individual may file a criminal report by contacting the Philadelphia Police Department, for emergencies dial 911 or The Allied Universal Security Company at the PASSHE State System Center City campus.

#### Philadelphia Police Headquarters:

750 Race Street, Philadelphia, PA 19160

Tips call: 215-686-TIPS or text PPDTIP Emergencies call: 911

Non-emergencies call: 311

#### Mellon Independence Center Building Security:

Allied Barton Security Department

701 Market Street West lobby entrance

Philadelphia, PA 19106

215-238-9777 or 215-238-9306

## What is the PASSHE Center City Campus policy on encouraging the reporting of crimes?

The PASSHE Center City campus strongly encourages all faculty, staff, students, and guests to report any illegal or suspicious activity in a timely manner to the Philadelphia Police Department. Requests are submitted to the Philadelphia Police Department to provide crime statistics for inclusion in to the PASSHE Center City campus Annual Security Report. Additionally, any criminal situation or incident that involves a significant emergency or dangerous situation, should be reported to Joseph Santivasci, the Director of the PASSHE Center City campus (call: 610-436-3376). In addition, contact the Philadelphia Police Department (call: 215-686-TIPS or 911) for an assessment of whether a timely warning or emergency notification should be sent out to PASSHE Center City campus community as well as for purposes of including them in the annual statistical disclosure.

## What is a Campus Security Authority? (CSA)

A campus security authority, commonly referred to as a CSA, is a person referred to by the Clery Act. CSA's are a vital part of data collection for the annual safety and security report. The Clery Act requires PASSHE Center City to provide an annual safety and security report. In addition to input from law enforcement, certain staff positions are designated as Campus Security Authorities (CSA) for the purpose of providing information for this report. CSAs are usually found in departments responsible for, but not limited to, student and campus activities, safety/security, discipline, housing, athletics, human resources, or judicial proceedings. This designation also includes any individual who has been specified by the reporting institution to receive and report offenses. PASSHE Center City has identified all PASSHE Center City personnel and faculty working at the campus as CSAs. CSAs are responsible for reporting the number of crimes and incidents as described in the Clery Act that are reported to them. CSAs are then required to report the reports they received to the Director of PASSHE Center City. These numbers are then included in the federally mandated annual Clery Report, which is distributed every year by October 1st.

## ▶ Those incidents reported to pastoral and professional counselors are not included in campus crime statistics.

### Pastoral and Professional Counselors

Those incidents reported to pastoral and professional counselors are not included in campus crime statistics. Pastoral and professional counselors, when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at West Chester University are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to the Department of Public Safety for inclusion in the annual disclosure of crime statistics.

**Pastoral Counselor** – An employee of an institution who is associated with a religious order or denomination recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor** – An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

### Voluntary confidential reporting of crimes.

For those wishing to report a criminal incident, whether a victim, witness, or third party, reports may be made in confidence to the following offices where further options will be discussed with the reporting party.

Members of the PASSHE community are encouraged to accurately and promptly report crime and emergencies to the PASSHE Center City and the appropriate police agencies, including when the victim of a crime elects to, or is unable to, make such a report.

PASSHE Center City, Philadelphia - Mellon Independence Center, 701 Market St., Concourse Level, Philadelphia, PA 19106, Phone: 267-386-3003

## What is the enforcement authority of Public Safety personnel?

The PASSHE Center City campus does not provide campus police or security personnel for the campus. Philadelphia Police provide police services for the campus and a private building security contractor Allied Barton Security Department provides general security for the Mellon Independence Center, which includes PASSHE Center City campus.

### Security Officers for Allied Barton Security Department have no power to detain or the power of arrest.

Security officers are not sworn officers, but they are responsible for providing security for the PASSHE Center City campus. The Security Officers document violations of PASSHE Center City campus policy/law and contact local law enforcement agencies to report observed violations of federal laws and state laws.

The Security Officers are contracted to operate on PASSHE owned or controlled property. They do not have the power of arrest, any incident that requires an investigation/arrest must be reported to the Philadelphia Police Department.

The Philadelphia Police Department is the nation's fourth largest police department, with over 6600 sworn members and 800 civilian personnel. The department is the primary law enforcement agency responsible for serving Philadelphia County, extending over 140 square miles in which approximately 1.5 million reside.

## What is the PASSHE Center City Campus policy on reporting criminal incidents to local and state police?

All crimes should be reported to the Philadelphia Police Department 750 Race St, Philadelphia, PA (215) 686-3053 (emergencies call: 911).

Crime statistics and arrest information for offenses occurring on the PASSHE

Center City campus should be reported directly to the Philadelphia Police Department. The Philadelphia Police Department is the local enforcement agency. The Philadelphia Police Department reports crime statistics to the State via the Uniform Crime Reporting (UCR) system. The Philadelphia Police department also report crimes to the West Chester Department of Public Safety for any Clery Related Offenses.

## What are the procedures for students and others to report criminal activity or other emergencies occurring on campus and how does the PASSHE Center City Campus respond to such reports?

The campus community should report criminal activity, fires, or medical emergencies to the Philadelphia 911 center, by dialing 911. The Philadelphia 911 Center maintains a 24-hour dispatch center to answer all calls for assistance. Upon receiving a request for assistance, an officer and any other appropriate personnel will be immediately dispatched to the location. All reported crimes will be investigated by the PASSHE Center City campus and may become a matter of public record. All incident reports are forwarded to the Executive Director Joseph Santivasci for review and referral to the Philadelphia Police Department for potential action, as appropriate. The Philadelphia Police Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Executive Director. If assistance is required from the Philadelphia Police Department or the Philadelphia Fire Department the appropriate investigative unit will be contacted. If a sexual assault or rape should occur, staff on the scene, including Crime Victim Center in Philadelphia will be contacted and offer the victim a wide variety of services.

Non-emergencies may also be reported to the following:

### **Director, PASSHE Center City, Philadelphia:**

Joseph Santivasci  
West Chester University  
Phillips Memorial BLDG 001  
West Chester, PA 19383  
610-436-3376

**Philadelphia Police Headquarters:**  
750 Race Street, Philadelphia, PA 19160  
Tips call: 215-686-TIPS or text PPDTIP  
Emergencies call: 911  
Non-emergencies call: 311

**Mellon Independence Center  
Building Security: (Reports Crimes to  
Philadelphia Police)**  
Allied Barton Security Department  
701 Market Street West lobby entrance  
Philadelphia, PA 19106  
215-238-9777 or 215-238-9306

## Daily Crime Log

The purpose of the Daily Crime Log is to record all reports of criminal incidents that are reported to the WCU Department of Public Safety. Crimes that occurred on campus, at a non-campus building or property, or on public property within the campus or immediately adjacent to and accessible from the campus and the crimes that occurred within the patrol jurisdiction of the Department of Public Safety are included in the Daily Crime Log.

Upon request, the Department of Public Safety will provide a copy of the daily crime log for the time-period specified by the requestor. The most recent 60-day is available immediately. Other time frames may take two business days to provide. The crime log will contain all crimes reported to the Department regardless of the classification. The listing will include the nature of the crime, case number, date and time reported, date and time occurred, general location and basic disposition of the crime. Daily Crime Logs will withhold any information that will identify victims.

Crime Logs are available, 24 hours a day, at the Department of Public Safety, located in the Peoples Building at 690 South Church Street.

### Example of a Daily Crime Log:

Date Reported	Case Number	Location	Occur Date/Time 2 <sup>nd</sup> Date (if ranged)	Disposition	Nature of Crime
01/01/2019	WC-19-00168	709 S. NEW St	01/01/2019 0115	Physical Arrest	Poss/Etc Alcohol/ Minor

PASSHE Center City campus does not have a campus police or security department; as a result no Daily Crime Log is created by the PASSHE Center City Campus. The PASSHE Center City campus is covered by a contract private security company. To obtain a copy of the crime log, contact the West Chester University Public Safety Department for information (610) 436-3311.

## Federal timely warning notification

In the event a crime is reported within the PASSHE Center City campus Clery Geography (On Campus, Public Property and Noncampus property), that, in the judgment of the Chief of Police or their designee, constitutes an serious or continuing threat, a campus wide “timely warning” notice will be issued.

Timely Warnings are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger PASSHE Center City campus community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the Chief of Police or their designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Chief of Police or their designee in their absence.



Timely Warning Notices may also be posted for other crime classifications and locations, even though that is not required by the law, at the sole discretion of PASSHE Center City campus.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Timely Warning Notices are typically written and distributed by the Chief of Police or their designee.

Timely Warning Notices will be issued to the campus community via email blast to all PASSHE Center City campus assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication: text messages or emails or building postings by Building Administrators.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

### Protocols for Timely Warnings and Emergency Notifications:

- a. Text message/email using e2Campus emergency alert notification system. The Executive Director and members of the SS@CC management team will provide direction and encourage enrollment during semester orientation and other opportunities.
- b. Phone call and email to employees, faculty, and college/university program coordinators for whom contact information is available, and college/university police points of contact.
- c. Post onsite signage and/or verbally notify employees, faculty, students, and guests on site.

The Executive Director of the PASSHE Center City campus will issue timely warnings and emergency notifications as necessary and notify the campus community.

Emergency notifications due to site closure for weather or other events will be provided by the Executive Director, Dixon University Center and State System @ Center City or designee by any or all of the following methods:

- a. Text message/email using e2Campus emergency alert notification system

- b. Email to college/university program coordinators and faculty. College/University program coordinators or faculty will notify respective students, as necessary.
- c. Voice message on 267.386.3001.
- d. Notification on the State System @ Center City website: <http://centercity.passhe.edu/>
- e. Notification via the following TV stations:
  - NBC (Channel 10)
  - ABC (Channel 6) • CW (Channel 17)
  - CBS (Channel 3) • Fox (Channel 29)
  - KYW Radio (1060 AM)

### Emergency Response and Evacuation Procedures

PASSHE maintains an Emergency Response Plan that outlines responsibilities of campus units during emergencies. This plan outlines incident priorities, campus organization, and specific responsibilities of particular units or positions.

PASSHE Center City campus units are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to the Philadelphia Police Department or the Allied Barton Security Company.

In conjunction with other emergency agencies, the PASSHE Center City campus conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. Lits Building conducts two fire drills that are conducted annually and held two times during the day. The test are held in the Am and PM when conducted.

The campus publicizes a summary of the emergency response and evacuation procedures via email and text notification at least once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act.

### How does the PASSHE Center City Campus inform the campus about and immediate threat and what is the PASSHE Center City Campus policy about notifying the campus of an emergency?

The PASSHE Center City Campus Emergency Notification policy dictates that upon receipt of a report of a crime or emergency, the director will determine if the report represents an immediate threat or continuing danger to the campus. In addition to having crimes and other emergencies being reported to the Philadelphia Police Department, reports should be made to PASSHE Center City director.

Should it be determined, by the Director or their designee, that an immediate threat or continuing danger is present the Director or their designee will notify the campus community through an emergency text and/or posted notices throughout the campus. Face to face communication may also be used in the event of an emergency situation.

In the event of an emergency, PASSHE Center City campus will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the PASSHE Center City campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

If the Executive Director Joseph Santivasci or designee, in conjunction with other PASSHE Center City campus administrators, local first responders, Public Health Officials and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the PASSHE community, the PASSHE Center City and Media Relations will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the PASSHE Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

Those University Officials responsible for making the determination are:

Executive Director Joseph Santivasci,  
Dixon University Center & State System @ Center City.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/ Distributor	Backup Message Sender/ Distributor
Text Messaging	Executive Director		Executive Director		
Email	Executive Director		Executive Director		
Voice Mail	Executive Director		Executive Director		
Website	Executive Director		Executive Director		

The campus community is encouraged to sign up to receive the emergency texts by registering at: through PASSHE Center City at: <http://www.passhecentercity.org/emergency.php>

PASSHE Center City campus will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: the Philadelphia Police Department, and the Local Fire and Emergency Medical Services, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Notification will be made by using some or all of the following methods depending on the type of emergency: PASSHE Center City campus Alert System (which contains email, cell phone text, voice message alert); fire alarm (where available), public address systems (where available), social media, digital signage (where available), local media, webpage and/or in person communication. If any these systems fail or the PASSHE Center City campus deems it appropriate, in person communication may be used to communicate an emergency.

**Post Emergency Communication:**

PASSHE Center City Campus Executive Director will issue any follow-up messages, including an “all clear” message to convey the campus’s return to normal operations to the campus via the text message system and postings placed throughout the campus. Details regarding the incident will be communicated on the PASSHE Center City campus’s homepage. The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the PASSHE Center City campus homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. The institution will provide adequate follow-up

information to the campus community as needed using some or all of the communication systems described above. **Everyone is encouraged to become familiar with the evacuation plans that are posted in Mellon Independence Center building.**

If you are advised to evacuate the building by the activation of the fire alarm or verbally by emergency personnel or another building administrator, please vacate immediately. Evacuate from below level and upper floors by using designated stairways and do not use elevators.

If you have special assistance needs, become familiar with the closest “Area of Rescue Assistance” and someone will help you to evacuate. If possible, to do so safely, take your belongings with you and do not return to the building once you have left for any reason.

Fire and evacuation drills are conducted by the property owner or agent of Mellon Independence Center. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound

of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides emergency personnel an opportunity to test the operation of fire alarm system components.

All fire, response and evacuation drills and test are the responsibility of the property owner or agent of Mellon Independence Center.

**Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”**

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

**Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out.

**How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (PASSHE Center City campus staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to [CPSA] so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest PASSHE Center City campus building quickly. If police or fire department personnel are on the scene, follow their directions.

### **How You Will Know to “Shelter-in-Place”**

A shelter-in-place notification may come from several sources, the Mellon Center Building Security, other PASSHE Center City campus employees, Local PD, or other authorities utilizing the PASSHE Center City campus’ emergency communications tools.

### **What is the PASSHE Center City Campus policy for the preparation of the annual security report?**

PASSHE Center City campus prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located on the campus’s web site at [www.centercity.passhe.edu](http://www.centercity.passhe.edu). This report is prepared in cooperation with the Philadelphia Police Department, Mellon Independence Center, and the West Chester University Public Safety Department.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the PASSHE Center City campus community obtained from the following sources: the PASSHE Center City, the Philadelphia Police Department, and the Allied Barton Security Department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all PASSHE Center City campus Deans, Directors, and Department Heads.

All of the statistics are gathered, compiled, and reported to the PASSHE Center City campus community via this report, which is published by PASSHE Center City. The Executive Director Joseph Santivasci in conjunction with the West Chester University will publish the annual crime statistics into the Department of Education (ED website). The statistical information gathered by the Department of Education is available to the public through the ED website.

### **What is the PASSHE Center City Campus policy about security of and access to the campus facilities and programs by students, faculty, staff, and other individuals?**

During normal business hours, Mellon Independence Center building security requires identification and purpose of visit prior to entering the elevator or stairwell to gain access to the PASSHE Center City campus. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals.

Allied Universal Security conducts routine patrols of the buildings to evaluate and monitor security related matters. Any incidents requiring an investigation are reported immediately to the Philadelphia Police Department.

### **What type of student housing is available at the PASSHE Center City Campus?**

No residential facilities are provided at the campus.

### **What security considerations does the PASSHE Center City Campus use in the maintenance of campus facilities, including landscaping, grounds-keeping and outdoor lighting?**

These areas are the responsibility of the Mellon Independence Center. The Mellon Independence Center contracts unarmed security personnel to provide general building security. Maintenance is also handled through contract services by the building owners.

### **What is the PASSHE Center City Campus policy on possession, use or sale of alcohol and illegal drugs and unlawful alcohol?**

The campus complies with the federal, state, and local laws including those that regulate the possession, use, and sale of alcoholic beverages and other controlled substances. Those who use, sell, exchange, consume, or possess alcoholic beverages, illegal drugs, or drug paraphernalia on PASSHE Center City campus will be dealt with in accordance with the Commonwealth, federal and local laws as well as the individual participating Universities Student Code of Conduct.

PASSHE Center City campus prohibits the unlawful possession, use, and sale of alcoholic beverages and illegal drugs on campus. The Philadelphia Police Department is responsible for the enforcement of state

underage drinking laws and enforcement of Federal and State drug laws.

### **What type of drug and alcohol abuse educational programs are offered at the PASSHE Center City Campus?**

No drug or alcohol programming is offered at the PASSHE Center City campus. Students may choose to contact their University’s main campus for the availability of services.

In compliance with the Drug Free Schools and Communities Act, PASSHE Center City campus publishes information regarding the PASSHE Center City campus’ prevention programs related to drug and alcohol abuse prevention which include standards of conduct that prohibit the unlawful possession, use, and distribution of alcohol and illegal drugs on campus and at institution-associated activities; sanctions for violations of federal, state, and local laws and PASSHE Center City campus policy; a description of health risks associated with alcohol and other drug use and abuse; and a description of available counseling, treatment, rehabilitation and/or re-entry programs for PASSHE students and employees. A complete description of these topics, as provided in the PASSHE Center City campus annual notification to students and employees, is available online at: <https://www.wcupa.edu/services/stu/ramseyviewdrugfreecampus.aspx>.

### **What are the penalties for those who are criminally charged with the abuse of drugs and alcohol?**

Anyone in possession of illegal drugs or paraphernalia can be charged with a misdemeanor or felony offense, depending on the illegal substances found. Penalties for a first offense upon conviction can include fines of no less than \$500 and possible imprisonment up to 15 years.

Anyone who purchases, consumes, possesses, or transports alcoholic beverages while being under the age of 21 can be charged with a summary offense. Penalties upon conviction of a first offense can include fines up to \$300 and will involve the suspension of driving privileges for 90 days. Anyone found to be furnishing alcohol to minors can be charged with a misdemeanor offense. Penalties upon conviction can include fines of no less than \$1,000.



## What is the PASSHE Center City Campus policy on possession and use of weapons by security personnel or others?

Philadelphia Police officers and other law enforcement officials are authorized to carry firearms and are certified in their use on an annual basis. Mellon Independence Center security officers do not carry firearms. Unauthorized persons are prohibited from possessing weapons of any kind on the PASSHE Center City campus property; violators will be subject to criminal prosecution.

## What is the PASSHE Center City Campus policy about employees or students with criminal records?

As part of the pre-employment process, Human Resources at West Chester University will conduct background checks in the form of specific criminal and consumer reporting verifications for all employee recruitments except for work-study students. Conviction of a criminal offense does not bar one from employment in all cases.

Each case is considered individually on its merits. If the University administration discovers that a current employee has been convicted of a criminal offense, the University reserves the right to review the conviction in relation to the employee's current position and, if warranted, take action to either reassign or dismiss the employee. Student criminal records are reviewed by each host University based on their policy. At West Chester University, a student with a criminal record will not in all cases be barred from admission to the University. When an applicant indicates that he or she has a felony conviction, the application is reviewed by the Criminal Convictions Committee and a case-by-case decision is made.

Students who are convicted of a criminal offense after admission are subject to the University's student conduct process. Penalties can range from probation to expulsion, depending on the severity of the offense and whether the student has prior offenses.

## What types of programs are offered to educate and prevent sex offenses and what is the PASSHE Center City Campus policy for reporting these offenses and assisting the victims of reported sex crimes?

No educational or preventive programs are provided at the PASSHE Center City campus. West Chester University provides these programs at its main campus.

All sex offense crimes should be reported to the Philadelphia Police Department (dial 911). For the purposes of Title IX reporting, confidential reports should be made to the PASSHE Center City Campus Director/ Title IX Coordinator (call: 267-386-3003). The Director will provide the information to the participating universities' Title IX coordinators. Participating universities' Title IX coordinators are required under law to complete an investigation for each reported incident. The Director will provide contact information for participating universities victim services, upon request.

*The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.*

### ► Information regarding registered sex offenders can be found at:

[www.pameganslaw.state.pa.us/](http://www.pameganslaw.state.pa.us/)

## What is the PASSHE Center City Campus policy on investigating missing students who reside in on-campus housing?

No residential facilities are provided at PASSHE Center City campus. A missing student policy is not required. Reports of missing students received by the Philadelphia Police Department will result in a police investigation as outlined by the Pennsylvania Title 18 Section 2908(a) Missing Children and 42 U.S.C. 5779(a) Section 3701(a) Suzanne's Law.

## Monitoring and Recording of Criminal Activity by Students at Non-campus locations of Recognized Student Organizations

Crime statistics are requested from the Philadelphia Police Department for geographic areas identified as non-campus or public property for inclusion into the PASSHE Center City campus **Annual Security Report**.

The PASSHE Center City Campus does not have officially recognized student organi-

zations that own or control housing facilities outside of the PASSHE core campus. Therefore, the local Police Department is not used to monitor and record criminal activity since there are non-campus locations of student organizations.

PASSHE Center City campus does not use local police to monitor and record criminal activity at non-campus locations of student organizations. The PASSHE Center City campus does not have residential housing for students.

## How does the PASSHE Center City Campus report incidents for campus residential facilities?

No residential facilities are provided at PASSHE Center City campus.

## How does the PASSHE Center City Campus report incidents for non-campus property?

Statistics for non-campus areas are requested from the Philadelphia Police Department and Mellon Independence Center.

## How does the PASSHE Center City Campus report incidents for Public Property?

Statistics for public property areas are requested from the Philadelphia Police Department and Mellon Independence Center.

## How does the PASSHE Center City Campus respond to crimes involving bias?

All crimes involving bias should be reported to the Philadelphia Police Department (dial 911). For the purposes of participating universities reporting, reports should also be made to the PASSHE Center City campus Director (call: 267-386-3003). The Executive Director will provide the information to the West Chester University as requested. The Director will provide contact information for West Chester University victim services, upon request.

The Philadelphia Police Department maintains a working relationship with state and local police agencies, including Allied Universal Security Company.

There are no written agreements or memorandums of understanding regarding any topics, including the investigation of criminal incidents, between PASSHE and the Philadelphia Police Department.



## SECURITY AWARENESS & CRIME PREVENTION PROGRAMMING

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the PASSHE Center City campus to inform students of good crime prevention and security awareness practices.

Throughout the 2019-2020 academic school year WCU/DPS has conducted 45 crime prevention and Security awareness programs. These programs have included 26 A.L.I.C.E. (Active shooter) trainings for WCU employees and R.A.D (Rape Aggression Defense) and crime prevention programming in the residence halls. Also conduct annual training for all new freshmen held during Orientation week and transfer orientations in January.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved, and advised to call Philadelphia Police Department to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at (215-686-3060).

As part of the Department's community-oriented policing philosophy, Philadelphia Police Department offers crime prevention presentations each semester to classrooms, campus clubs, and student groups as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Anyone interested in having an Officer speak to his or her classroom or group should contact them at (215-686-3060).

### Notification to Victims of Crimes of Violence

The PASSHE Center City campus will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## PASSHE CENTER CITY CAMPUS JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Student, employees, prospective students and prospective employees are encouraged to review PASSHE Center City Campus Annual Security Report in addition to their host University's Annual Security Report for additional policy, procedure and training information as required under the Violence against Women Reauthorization Act.

[www.passhecentercity.org/docs/cleryCenterCity2019.pdf](http://www.passhecentercity.org/docs/cleryCenterCity2019.pdf)

<https://www.wcupa.edu/dps/documents/clery19.pdf>

PASSHE Center City campus does not discriminate on the basis of gender in its educational programs and sexual harassment and sexual violence are types of gender discrimination. Other acts can also be forms of gender-based discrimination and are also prohibited, whether sexually based or not, and include dating violence, domestic violence, and stalking. As a result, PASSHE Center City campus issues this statement of policy to inform the community of PASSHE Center City campus comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to the PAASSHE Center City campus official. In this context, PASSHE Center City campus prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of PASSHE Center City Campus community. For a complete copy of State System@Center City Campus Sexual Assault and Relationship Violence what everyone needs to know, visit:

[www.centercity.passhe.edu](http://www.centercity.passhe.edu)

## DEFINITIONS

Below are the terms and definitions as provided by the Department of Education and from the State of Pennsylvania criminal statutes.

### Department of Education Definitions

**Sexual Assault:** "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the National Incident-Based Reporting System (NIBRS). 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.

**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.

**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.

**Incest** is defined as non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is defined a non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Domestic Violence:** The term "domestic violence" means:

1. Felony or misdemeanor crimes of violence committed By a current or former spouse or intimate partner of the victim;
  - a. By a person with whom the victim shares a child in common;
  - b. By a person who is cohabitating with or has cohabitated with the victim as a spouse or

intimate partner;

- c. 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
  - d. 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.
2. 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.

**Dating Violence:** The term "dating violence" means violence committed by a person;

1. Who is or has been in a social relationship or a romantic or intimate nature with the victim and;
2. 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.

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. 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.

**Stalking:** The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress. 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - c. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.
3. 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.

## CONSENT IS DEFINED IN PENNSYLVANIA CRIMINAL LAW AS:

### 311. Consent.

A. GENERAL RULE. The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negates an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

B. CONSENT TO BODILY INJURY. When conduct is charged to constitute an offense because it causes or threatens

bodily injury, consent to such conduct or to the infliction of such injury is a defense if:

1. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  2. The consent establishes a justification for the conduct under Chapter 5 of this title. (Relating to general principles of justification).
- C. INEFFECTIVE CONSENT. Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:
3. It is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense.
  4. 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;
  5. It is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
  6. It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

► Definitions of terms as defined by the Pennsylvania State Criminal Statutes are found in Appendix C

## EDUCATION AND PREVENTION PROGRAMS PASSHE CITY CENTER

PASSHE Center City campus does not currently have any education and prevention programs available. For education and prevention programs students should see The West Chester University programs for information.

## EDUCATION AND PREVENTION PROGRAMS WCU

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

1. 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;
2. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students, new employees, and ongoing awareness and prevention campaigns for students and employees that:

1. West Chester University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act;
2. Uses definitions provided both by the Department of Education and state law behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines that behavior and actions that constitute consent to sexual activity in the State of Pennsylvania and using the definition of consent found in the Student Code of Conduct and the purpose for which that definition is used;
4. Provides 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, including a risk of dating violence, domestic violence, sexual assault, or stalking.
5. 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;
6. Defines risk reduction as 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.
7. Information regarding:
  - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs;
  - b. How the institution will protect the privacy of victims and other necessary parties;
  - c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
  - d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective; and;
  - e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students. The requirement for new students to complete an on-line education module with a focus on sexual misconduct (policy, resources and reporting information); participating in and presenting information and materials during new employee orientation: and engaging in ongoing awareness activities with all employees and students.

### West Chester University offered the following primary prevention and awareness programs for all incoming students in 2019:

**NAME OF PROGRAM:** New Student Orientation – Part 1 in-person presentation

**DATES HELD:** 6/12, 6/13, 6/14, 6/19, 6/21, 6/21, 6/26, 6/27, and 6/28/19

**LOCATION HELD:** Sykes

**PROHIBITED BEHAVIOR COVERED:** Behaviors covered under the Sexual Misconduct policy – sexual assault, dating/domestic violence, sexual exploitation, stalking and sexual harassment.

**NAME OF PROGRAM:** Supporting Your Students (targeted to parents of incoming students)

**DATES HELD:** 6/12, 6/13, 6/14, 6/19, 6/21, 6/21, 6/26, 6/27, and 6/28/19

**LOCATION HELD:** Asplundh Auditorium

**PROHIBITED BEHAVIOR COVERED:** Alcohol and Drugs, Sexual Assault, dating/domestic violence, sexual exploitation, stalking and sexual harassment.

**NAME OF PROGRAM:** New Student Orientation – Part 2

**DATES HELD:** August 2019

**LOCATION HELD:** online alcohol education and sexual misconduct module through Campus Clarity (vendor)

**PROHIBITED BEHAVIOR COVERED:** Alcohol and Drug policies as outlined in the Student Code of Conduct and behaviors covered under the Sexual Misconduct Policy - sexual assault, dating/domestic violence, sexual exploitation, stalking and sexual harassment.

### West Chester University offered the following primary prevention and awareness programs for all new employees in 2019:

**NAME OF PROGRAM:** New Employee Orientations

**DATES HELD:** 1/8, 3/20, 4/2, 4/30, 5/15, 6/24, 9/4, 9/19, 10/10, 11/6, and 12/11/19

**LOCATION HELD:** Philips Lower Level Conference Room

**PROHIBITED BEHAVIOR COVERED:** Sexual Harassment, Sexual Exploitation, Dating and Domestic Violence, Sexual Assault, Stalking and Discrimination and Harassment.

**NAME OF PROGRAM:** New Faculty Orientation

**DATES HELD:** August 2019

**LOCATION HELD:** Sykes Ballrooms

**PROHIBITED BEHAVIOR COVERED:** Sexual Harassment, Sexual Exploitation, Dating and Domestic Violence, Sexual Assault, Stalking and Discrimination and Harassment.

**West Chester University offered the following ongoing prevention and awareness programs for students in 2019:**

**NAME OF PROGRAM:**

The Clothesline Project

**DATES HELD:** 4/8/19

**LOCATION HELD:** outdoor table

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Identifying and Responding to Student Behaviors of Concern

**DATES HELD:** 4/23/19 and 5/7/19

**LOCATION HELD:** classroom

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** “It’s on Us” Kickoff

**DATES HELD:** 10/21/19

**LOCATION HELD:** Sykes Ballroom

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** “It’s on Us” Masculinity Exhibit

**DATES HELD:** 10/21/19

**LOCATION HELD:** outdoor table

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** “It’s on Us” Social Dice Exhibit

**DATES HELD:** 10/22/19

**LOCATION HELD:** outdoor table

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** “It’s on Us” Red Flag Referee Exhibit

**DATES HELD:** 10/24/19

**LOCATION HELD:** outdoor table

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** “It’s on Us” Support/Believe Survivors Exhibit

**DATES HELD:** 10/25/19

**LOCATION HELD:** outdoor table

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Domestic Violence Awareness Ribbon Hanging

**DATES HELD:** 10/2/19

**LOCATION HELD:** throughout campus

**PROHIBITED BEHAVIOR COVERED:** Dating and Domestic Violence

**NAME OF PROGRAM:** Title IX training for Fraternity

**DATES HELD:** 4/4/19

**LOCATION HELD:** Sykes Union meeting rooms

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, and Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Title IX Training for Students

**DATES HELD:** 1/3, 4/23, and 10/29/19

**LOCATION HELD:** various classrooms

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment.

**NAME OF PROGRAM:** Sexual Harassment in the Workplace

**DATES HELD:** 11/5/19

**LOCATION HELD:** business classroom

**PROHIBITED BEHAVIOR COVERED:** Sexual Harassment

**NAME OF PROGRAM:** Peer Educator Title IX Trainings

**DATES HELD:** 9/13/19

**LOCATION HELD:** Sykes classroom

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment.

**NAME OF PROGRAM:** Paraprofessional Title IX Trainings (writing tutors and mentors)

**DATES HELD:** 9/10 and 9/28/19

**LOCATION HELD:** Main Hall Classrooms

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment.

**NAME OF PROGRAM:** Title IX Training for Commuter Student RAMbassadors

**DATES HELD:** 8/22/19

**LOCATION HELD:** Sykes Union meeting rooms

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment.

**NAME OF PROGRAM:** Green Dot Information Sessions

**DATES HELD:** 9/8, 9/10, 10/30, 11/12, and 12/7/19

**LOCATION HELD:** various meeting rooms

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**BEHAVIOR COVERED:** Bystander Intervention

**NAME OF PROGRAM:** Green Dot Training

**DATES HELD:** 1/8, 1/11, 11/26, and 12/7/19

**LOCATION HELD:** various meeting rooms

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**BEHAVIOR COVERED:** Bystander Intervention

**NAME OF PROGRAM:** Green Dot Bystander training practice

**DATES HELD:** 12/2/19

**LOCATION HELD:** Sykes Union meeting room

**PROHIBITED BEHAVIOR COVERED** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**BEHAVIOR COVERED:** Bystander Intervention



**NAME OF PROGRAM:** Title IX Training for Athletic Teams

**DATES HELD:** 1/15, 1/16, 1/29, 2/5, 2/6, 2/13, 2/18, 2/20, 2/26, 2/28, 3/8, 3/19, 3/20, 9/25, 10/8, 10/9, 10/18, and 12/12/19

**LOCATION HELD:** Athletic team conference rooms

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Resident Advisor Title IX Training

**DATES HELD:** 8/19/19

**LOCATION HELD:** academic auditorium

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Title IX Training for Graduate Students

**DATES HELD:** 8/22/19

**LOCATION HELD:** meeting rooms

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Title IX Training for First Year Experience Students

**DATES HELD:** 10/29/19

**LOCATION HELD:** classroom

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Sexual Misconduct, ROTC Students

**DATES HELD:** 9/23/19

**LOCATION HELD:** gymnasium

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**West Chester University offered the following ongoing prevention and awareness programs for employees in 2019:**

**NAME OF PROGRAM:** Title IX Training for Student Orientation Leaders

**DATES HELD:** 6/10/19

**LOCATION HELD:** Brandywine 004

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**BEHAVIOR COVERED:** Bystander Intervention

**NAME OF PROGRAM:** Title IX Training for International Programs Student Staff

**DATES HELD:** 3/4/19

**LOCATION HELD:** Department conference room

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Campus Police Panel Discussion

**DATES HELD:** 7/9/19

**LOCATION HELD:** classroom

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Green Dot – Faculty / Staff Overview

**DATES HELD:** 10/13/19

**LOCATION HELD:** Phillips Conference Room

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**BEHAVIOR COVERED:** Bystander Intervention

**NAME OF PROGRAM:** Title IX Training for Public Safety Staff

**DATES HELD:** 8/20/19

**LOCATION HELD:** Department conference room

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Title IX Training for Safety Officers

**DATES HELD:** 8/20/19

**LOCATION HELD:** Department conference room

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Sexual Misconduct Prevention and Response for Philadelphia Faculty/Staff

**DATES HELD:** 8/20/19

**LOCATION HELD:** Philadelphia classroom

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Title IX Training for Policy and Process Advisors

**DATES HELD:** 7/22/19

**LOCATION HELD:** Sykes classroom

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Title IX Training for Athletic Coaches

**DATES HELD:** 9/18/19

**LOCATION HELD:** athletic classroom

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Title IX Training for Student Conduct Board Members and Hearing Officers

**DATES HELD:** 9/20, 9/27, and 10/25/19

**LOCATION HELD:** Ruby Sykes Conference Room

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Sexual Harassment Training for Supervisors

**DATES HELD:** 6/24, 6/25, 9/10, 9/11, 10/16, and 10/22/19

**LOCATION HELD:** Phillips

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Sexual Misconduct Prevention and Response for Faculty/Staff

**DATES HELD:** 7/22 and 8/19/19

**LOCATION HELD:** various

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

## PROCEDURES FOR REPORTING A COMPLAINT

PASSHE Center City campus has procedures in place that are sensitive to those who report sexual assault, domestic violence, dating violence, and stalking. This includes 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. In addition, remedies to prevent contact between a complainant and an accused party, such as academic, transportation and working accommodations, may be provided if reasonably available. PASSHE Center City campus 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 the Philadelphia Police Department. Students, employees, and third parties should contact the Title IX Coordinator, Lyn Klingensmith Office of Diversity, Equity and Inclusion at (610) 436-2513

[lklingensmith@wcupa.edu](mailto:lklingensmith@wcupa.edu)

Students and employees should know that reporting to the Title IX Coordinator means that PASSHE Center City campus has a duty to assess the information provided and may have to investigate the complaint or otherwise determine what happened. PASSHE Center City campus would like the consent of the complainant to be able to move forward with investigating and resolving the complaint, but there are times when the safety of the greater community outweighs the victim's request for confidentiality. Hence, when an employee or student reports to the Title IX Coordinator or any other responsible employee, the information will be kept as private as possible but cannot be guaranteed to be confidential.

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

After an incident of sexual assault, dating violence, or domestic violence, the complainant should consider seeking medical attention as soon as possible at the direction of the Philadelphia Police department investigator. In Pennsylvania, forensic evidence may be collected from the body of a victim even if the individual chooses not to make a report to law enforcement. A forensic exam is conducted by a sensitive and highly trained SANE nurse (Sexual Assault Nurse Examiner) and students and employees may go directly to Chester County Hospital to access this service. It is important that a survivor 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. The 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 complainants 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 disease. Survivors 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 for a Title IX investigation, University hearing boards or 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 law enforcement, it is the complainant's choice whether or not to make such a report and complainants have the right to decline involvement with the police. The University will assist any complainant with notifying local police if they so desire, the responsibility will be assigned to Philadelphia Police Department investigator assigned to the investigation.

To report an incident that occurred on campus, employees and students should contact the Philadelphia Police department by dial 911 or contact the police in the area where the assault took place. Crimi-

nal charges can be filed against any type of perpetrator, including non-University members. Criminal charges of sexual assault are entirely separate from violations of the Student Code of Conduct, which only applies to West Chester University students. Filing a formal report with the police is necessary when a complainant would like to initiate a criminal investigation by the police. Perpetrators can receive punishment up to and including jail time. Anyone who has been sexually assaulted may choose to pursue both criminal prosecution and University disciplinary processes. The following local Police Department may be contacted, the Philadelphia Police Department at (215) 686-Tips or by dialing 911.

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

Survivors of domestic violence, dating violence, sexual assault, or stalking, are advised to report the incident promptly to the Title IX Coordinator, by submitting the report on-line @ ([www.wcupa.edu/sexualmisconduct](http://www.wcupa.edu/sexualmisconduct)). Contact can also be made by calling, writing, or coming into the office located at 114 West Rosedale Avenue to report in person and to campus police located at the Peoples Building (if the complainant so desires.) Reports of all domestic violence, dating violence, sexual assault and stalking made to the Department of Public Safety will automatically be referred to the Title IX Coordinator regardless of if the complainant chooses to pursue criminal charges. The University will provide resources (on campus, off campus or both), to include medical, health, counseling, legal assistance, victim advocacy and visa and immigration assistance. For persons who have been survivors of sexual assault, domestic violence, dating violence, or stalking, the University will apply appropriate disciplinary procedures to those who are found responsible for violations of the Sexual Misconduct Policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a complainant chooses not to make a complaint regarding an incident, he or

she nevertheless should consider speaking with Public Safety or other law enforcement to preserve evidence. Evidence shall be collected in the event the complainant changes her/his mind at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

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 as well as a statement of the standard of evidence that will be used during any student conduct hearing on campus arising from such a report:

- The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.
- In all disciplinary proceedings involving allegations of sexual assault, dating violence, domestic violence and stalking, the University utilizes the preponderance of the evidence standard.

### Local Police Agency

Philadelphia Police Department  
750 Race Street  
Philadelphia, PA 19160  
610-686-Tips/911

### Sexual Assault

If requested, WCU will provide complainant with access to medical care.

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report a SEXUAL ASSAULT/RAPE to the West Chester University Department of Public Safety, the Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services/providers.
- WCU will assess the need to implement interim or supportive protective measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.

- WCU will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for the filing of a sexual misconduct complaint.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal. The standard of evidence used is preponderance of the evidence, therefore, a decision of responsibility will be based upon presented evidence sufficient to make a reasonable person believe that it was more likely than not a student is in violation of University policy.

### Stalking

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report STALKING to the West Chester University Department of Public Safety, the Office of Student Conduct, the Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services/providers.
- WCU will assess the need to implement interim or supportive protective measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.

- WCU will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will provide both the respondent and complainant an opportunity to review the investigation report prior to a hearing.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for the filing of a sexual misconduct complaint.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

### Dating Violence

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report DATING VIOLENCE to the West Chester University Department of Public Safety, the Office of Student Conduct, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services and providers.
- WCU will assess the need to implement interim or supportive protective measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.
- WCU will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.

- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or appropriate personnel hearing.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination.
- West Chester University will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

## Domestic Violence

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report DATING VIOLENCE to the West Chester University Department of Public Safety the Office of Student Conduct, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services/providers.
- WCU will assess the need to implement interim or supportive protective measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.
- WCU will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or appropriate personnel hearing.
- WCU will provide both the respondent and complainant an opportunity to review the investigation report prior to a hearing.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

## Incident Being Reported:

Procedure the PASSHE Center City campus (PASSHECC) will follow:

The investigative procedures set by the Philadelphia Police Department and or the Title IX Coordinator.

## Sexual Assault

Depending on when reported PASSHECC will provide complainant with access to medical care.

PASSHECC will assess immediate safety needs of complainant.

PASSHECC will assist the complainant to report a SEXUAL ASSAULT/RAPE to the Philadelphia Police Department, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.

PASSHECC will provide complainant with information regarding on and off campus services/providers.

PASSHECC will assess the need to implement interim or long-term protective measures, such change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.

PASSHECC will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.

PASSHECC will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.

PASSHECC will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or participate in a hearing.

PASSHECC will inform the complainant and respondent of the outcome of the student conduct process.

PASSHECC will enforce the retaliation policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination.

PASSHECC will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal. The standard of evidence used is preponderance of the evidence therefore, a decision of responsibility will be based upon presented evidence sufficient to make a reasonable person believe that it was more likely than not a student is in violation of PASSHECC policy



## Stalking

PASSHECC will assess immediate safety needs of complainant.

PASSHECC will assist the complainant to report STALKING to the Philadelphia Police Department, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.

PASSHECC will provide complainant with information regarding on and off campus services/providers.

PASSHECC will assess the need to implement interim or long-term protective measures, such as change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.

PASSHECC will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.

PASSHECC will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints

PASSHECC will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or participate in a hearing

PASSHECC will provide both the respondent and complainant an opportunity to

review the investigation report prior to a hearing.

PASSHECC will inform the complainant and respondent of the outcome of the student conduct process.

- PASSHECC will enforce the retaliation policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination

PASSHECC will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal Preponderance of the evidence

## Dating Violence

PASSHECC will assess immediate safety needs of complainant.

PASSHECC will assist the complainant to report DATING VIOLENCE to the Philadelphia Police Department, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.

PASSHECC will provide complainant with information regarding on and off campus services/providers.

PASSHECC will assess the need to implement interim or long-term protective measures, such as change in class schedule,

“No Contact Stay Away” directives between both parties if reasonably available.

PASSHECC will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.

PASSHECC will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.

PASSHECC will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or participate in a hearing.

PASSHECC will inform the complainant and respondent of the outcome of the student conduct process.

PASSHECC will enforce the retaliation policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination

## Domestic Violence

The PASSHE Center City campus will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal Preponderance of the evidence.

## Frequently asked questions regarding PFAs

### What is abuse?

Under the Protection from Abuse Act, abuse is defined as any of the following:

Attempting to, intentionally or recklessly causing bodily injury, rape, spousal sexual assault, or nonconsensual intercourse with or without a deadly weapon.

Placing another, by physical threat, in fear of imminent serious bodily injury.

False imprisonment.

Physically or sexually abusing minor children.

Stalking a person and placing that person in reasonable fear of bodily injury.

\* The Act does not cover emotional, verbal, or mental abuse.

### Who can file for protection under the act?

You can file for protection if the person who has or is trying to harm you is or was your spouse, is or was living with you in a common-law marriage, is the parent of your child, is your child, is your parent, is your sexual intimate partner, is directly

related to you by blood. If the abused person is a minor, then a parent, adult household member or guardian can file on behalf of the child.

### Is there a cost to file a Protection from Abuse order?

Yes. There are costs that must be eventually paid when you file a protection from abuse order with the court. You will not have to pay any fees at the time of filing. However, at the time of the hearing the court will order either the alleged assailant to pay the costs, you pay the costs, the costs to be split by both parties. If you are successful and the court grants you the protection from abuse order, the costs are usually placed upon the alleged assailant. The court costs must be paid even if you choose to withdraw your petition and decide not to proceed with the case. If you do not appear at your scheduled hearing your case will be dismissed, and the court will hold you responsible for all costs.

### How and where do I file for a Protection from Abuse order?

If you are represented by counsel in any domestic relations matter (i.e. divorce, custody, support), you should contact your attorney for legal advice. However, if you do not have a lawyer, you must appear in person at the Family Court located 34 South 11th Street

Room B-15 Philadelphia, PA. (215) 686-3511. There are no attorneys on staff to provide legal advice for you; the PFA Coordinator will assist you in filing the paperwork that is needed. The PFA Coordinator may not give you legal advice. You must be abused (read definition above) in order to qualify for the PFA. The coordinator will assist you in completing the necessary paperwork and will explain the remedies to you under the PFA Act. After completing the paperwork, the coordinator will present your petition to the judge on your behalf. You may visit Family Court to file for a Protection from Abuse Order. Protection orders can be filed Monday through Friday 8:30a.m. to 5:00p.m. Or visit the Criminal Justice Center Monday through Friday from 5:00p.m. to 8:30a.m. Please take into consideration that the filing procedure for the protection from abuse order is a lengthy process lasting anywhere between 2-3 hrs.

### **What should I bring with me when I go to file a Protection from Abuse order?**

Please come prepared with the following information:

- Names (all persons and parties)
- Date of birth (all persons and parties)
- Social security numbers (all persons and parties)
- Address where the person may be found (including places that they frequent)
- Any documentation relating to the case (i.e. medical reports, police reports, or photographs) photograph of alleged assailant
- Vehicle make, model, style, and license plate number of alleged assailants
- Photograph of alleged injury from the assault

Because the Justice Center does not have a day care program available, unless your minor child is the victim of the alleged abuse, please make appropriate childcare arrangements. If that is not possible, please bring someone to watch the child while you are being assisted.

What help is available at night, on weekends or when the Justice Center is closed?

In case of an emergency or if you have been assaulted, contact your local police department or 911. If you are in immediate and present danger of abuse, a Petition for Emergency Relief from Abuse may be filed with the on call district court (police will provide you with the name of the on call emergency signing district justice). If the district justice believes that you are in immediate danger, he/she will grant you an emergency protection from abuse order. This protection order will expire at 4:30 p.m. the following business day. Be sure to contact the Family Court Administration Office as soon as possible, if you do want to pursue a permanent PFA Order.

### **How do I receive a temporary protection order after filing a petition for a Protection from Abuse order?**

After filing a petition for protection from abuse, a judge will review the case to determine if a temporary protection order should or should not be granted. If the judge believes a Temporary Order should be issued, he/she will issue a temporary protection order.

### **How is the alleged assailant notified of the temporary Protection from Abuse order?**

The alleged assailant must be served with notice of the temporary protection order and the hearing date. The sheriff's department or a local law enforcement agency will serve the court order on the alleged assailant. Once the alleged assailant is served, he/she can be arrested if there is another assault in violation of the terms of the court order.

### **How do I get a final Protection from Abuse order?**

A hearing will be held in front of a judge within ten days of filing your petition with the court, and the judge will listen to the facts of your case. If the judge finds that abuse has occurred, a final protection from abuse order will be issued. The length of the order can be from one (1) to eighteen (18) months.

### **What protection will I receive?**

A Protection from Abuse Order may contain the following relief:

- Direct the alleged assailant not to abuse, threaten, harass, or stalk you.
- Direct the alleged assailant to stay away from the house or apartment where you live, even if that is also the alleged assailant's home.
- Direct the alleged assailant to stay away from your school or where you work.
- Direct the alleged assailant to refrain from harassing you or your relatives.
- Prohibit the alleged assailant from having any guns or gun permits.
- Direct the alleged assailant to pay you for losses resulting from the abuse. These could include medical bills and lost wages.
- Direct the alleged assailant to attend a batterer's counseling program (depending on jurisdiction).
- Award you temporary custody of your children and may grant you temporary support for yourself and/or the children of the alleged assailant.

(THIS MAY NOT APPLY IN ALL CASES).

Terms of order may vary depending on each specific circumstance.

If you are awarded custody/support, you must follow up by filing the appropriate custody/support actions in a timely manner. Do not wait until your order expires. Speak to an attorney prior to taking these actions for legal advice.

### **Will my protection order be enforced in another county or state?**

In most cases, yes. The Pennsylvania State Police maintain a registry of all protection from abuse orders issued throughout the Commonwealth of Pennsylvania. Most out-of-state courts will enforce a valid protection order that is issued and properly filed in another state.

## What is the alleged assailant violated the order?

You should immediately call the police and report the violation. A police officer may arrest the alleged assailant, even if he/she does not witness the abuse. An alleged assailant charged with the contempt of a protection order can face criminal charges for the acts committed that were in violation of the order. After a hearing, the court may find the alleged assailant in contempt and sentence him/her to prison for up to six months and/or fined up to \$1,000 under Pennsylvania law.

## How can I get a copy of my PFA order?

All civil matters, including your PFA, get filed in the Family Court located 34 South 11th Street Domestic Relations Unit Room B-15 Philadelphia, PA. 19107 (215) 686-3511. You may go in person and request your copies.

## What domestic violence programs exist in Philadelphia?

These services include crisis hotlines, safe homes or shelters, legal advocacy, community education, counseling, systems intervention, transportation, as well as information and referral. A domestic violence counselor may be available to help an abused person seek a protection order. Your local domestic violence hotline is available 24 hours a day, and all services are confidential.

For more information look in the blue pages of your local phone book or contact:

**The Crime Victims' Center of Center City:**  
(215) 665-9680

**Women's Organization against Rape:**  
(215) 985-3315

**The Domestic Violence Center of Center City**  
24-Hour Hotline: 1-866-723-3014

## How can I find a lawyer?

**Legal Philly 24/7 (267)265-4553**  
2 Penn Center Plaza  
1500 John F. Kennedy Blvd, Suite 220  
Philadelphia, PA. 19102

More information on obtaining a Protection from Abuse Order in the State of Pennsylvania can be found here: [www.philalegal.org/PFA](http://www.philalegal.org/PFA). PASSHE Center City campus offices may issue an institutional "no contact" order if deemed appropriate or at the request of the victim or accused.

## ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

Regardless of whether a complainant elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist survivors 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 survivors should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- Information about how the institution will protect the privacy of complainants and other necessary parties;
- A statement that the institution will provide written notification to students and employees about survivor services within 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.

West Chester University complies with Pennsylvania law in recognizing orders of protection by advising any person who obtains an order of protection from any state within the U.S. to provide a copy to Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for campus police and the complainant to reduce 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 locations or allowing a student to complete assignments from home. Other options may be available for a student on a case-by-case basis as the University determines what other measures must be taken.

The University cannot apply for a legal order of protection/protection from abuse (PFA) from the applicable jurisdiction(s). The complainant is required to apply directly for these services and can be assisted by Public Safety if so desired. To obtain a Protection from Abuse (PFA) Order, all civil matters, including your PFA, get filed in the Family Court located 34 South 11th Street Domestic Relations Unit Room B-15 Philadelphia, PA. 19107 (215) 686-3511. You may go in person and request your copies. The complainant should call his or her local police department to find out who is the district justice on-call. The Emergency PFA is only valid through the close of the

next business day. For example, if a victim obtains an Emergency PFA on a Friday evening, that PFA is only valid through Monday at 4:30 p.m.

### Additional Information:

The PASSHE Center City campus complies with Pennsylvania law in recognizing orders of protection by advising any person who obtains an order of protection from any state within the U.S. to provide a copy to Philadelphia Police Department and the Office of the Title IX Coordinator. A complainant may then meet with the Title IX Coordinator to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce 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 locations or allowing a student to complete assignments from home. Other options may be available for a student on a case-by-case basis as the PASSHE Center City campus determines what other measures must be taken.

The PASSHE Center City campus cannot apply for a legal order of protection / protection from abuse (PFA) from the applicable jurisdiction(s). The victim is required to apply directly for these services. To obtain a Protection from Abuse (PFA) Order, Monday through Friday between 8:30a.m. and 5:00p.m., the victim must go to Family

Court located 34 South 11th Street Room B-15 Philadelphia, PA. (215) 686-3511. To obtain a PFA Monday through Friday between 5:00p.m. and 8:30a.m., the victim must go to the Criminal Justice Center, 1301 Filbert St., Room B-03, Philadelphia PA 19107. To obtain a PFA on the weekend, or on a day in which Family Court is closed, the victim must go to the on-call District Justice for an Emergency PFA. The victim should call his or her local police department to find out who is the district justice on-call. The Emergency PFA is only valid through the close of the next business day. For example, if a victim obtains an Emergency PFA on a Friday evening, that PFA is only valid through Monday at 4:30 p.m.

### Confidentiality and Reporting

West Chester University understands the amount of strength and courage that is required to come forward and disclose a sexual misconduct. Be it harassment, assault, sexual exploitation, stalking, or dating violence, West Chester University takes your right to privacy seriously. Because the safety of our students, faculty, and staff is of our utmost concern, we are not always able to grant complete confidentiality in a sexual misconduct case; however, we will, to the extent possible, do our best to protect your privacy while meeting the University's legal obligations.

There are some resources that provide complete confidentiality on and off campus. They are as follows:

1. West Chester University Counseling Center  
(610-436-2301)
2. Crime Victim's Center of Chester County  
(610-692-7273)
3. Rape, Abuse and Incest, National Network - hotline  
(1-800-656-4673)

More information about these three organizations can be found in the "Resources" section of this section of the document.

Under Title IX, the University has an obligation to investigate all incidents of sexual misconduct and make complainants aware of the resources available to them, while striving to respect the privacy and confidentiality of the complainant. Consistent with this and related obligations under Title IX, University personnel to the extent will observe the confidentiality of all parties to the complaint of sexual misconduct possible. The University's obligation to protect the safety of its students and to record statistics may not permit complete confidentiality, but the University shall take the necessary measures to ensure that the information shared is limited to those individuals required to know pursuant to law, regulation or University policy. In life-threatening situations, confidentiality is not legally possible and University employees will contact emergency personnel immediately.

West Chester University will not inform students' parents or guardians of their involvement in a situation involving sexual misconduct unless they are in major medical jeopardy. However, students are strongly encouraged to inform their parents or guardians. College officials will directly inform a student's parents or guardians only when requested to do so by the student.

All reported instances of sexual misconduct will be investigated promptly, thoroughly, and equitably with appropriate response taken to ensure a safe and nondiscriminatory environment for all students, faculty, and staff. West Chester University will inform the complainant before conducting an investigation and determining appropriate action to remedy a situation. A complainant may request that no investigation take place or that his or her name not be disclosed to the respondent during an investigation. These requests will be evaluated according to the severity of the situation and the threat that the respondent(s) poses to the overall safety of the campus community.

The University will notify the complainant if and when confidentiality and/or compliance with their wishes cannot be guaranteed.

► **Information regarding registered sex offenders can be found at:**  
[www.pameganslaw.state.pa.us/](http://www.pameganslaw.state.pa.us/)

## RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, & STALKING

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, PASSHE Center City campus 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. These resources include the following are available at the West Chester University main campus:

### Off-campus resource

Office of Diversity, Equity, and Inclusion

Lynn Klingensmith  
114 West Rosedale Ave 102  
West Chester, PA 19383  
(610) 436-2513

### On and off campus services for victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, West Chester 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. These resources including the following are provided by the main West Chester University Campus:



ON CAMPUS	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling Center	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach	Dr. Rachel Daultry Director	610-436-2301
Health	Clinical Services- General health care, immunizations, TB testing, medications, sexual health • Wellness Promotion- Wellness education, alcohol/tobacco/ and other drugs, nutrition services	Clinical Services: Dr. Landrus Burrell, DrPH, MS Director Wellness Promotion: Kelsey Sevenski	610-436-2509
Mental Health	See Counseling	Dr. Rachel Daultry, Chair	610-436-2301
Victim Advocacy	Reporting, referral and support	Lynn Klingensmith	610-436-2513
Legal Assistance	legal consultation	Sandy Jones	610-436-2984
Visa and Immigration Assistance	Issue the Form 1-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	Angela Howard	610-436-3515
Student Financial Aid	Financial Aid, Work Study, Financial Literacy	Daniel McIlhenny, Director	610-436-2627
University Police	Escorts, Emergency Medical Services, Crime Prevention	Chief Raymond Stevenson	610-436-3311
Multicultural Center	Programs, activities, and service	Dr. Dametraus L. Jagers	610-436-3273
Director for Equity and Compliance	Sexual Misconduct information	Lynn Klingensmith	610-436-2433

OFF CAMPUS	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Chester County Counseling Center	610-933-8880
Health	Emergency and non-emergency medical services	Chester County Hospital	610-431-5000
Mental Health	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Chester County Mental Health Services Chester County Counseling Center	610-344-6265 610-933-8880
Victim Advocacy	Reporting, referrals, and support	Crime Victims Center	610-692-1926
Legal Assistance	Legal consultation	Legal Aid of Southeastern PA	610-436-4510
Visa and Immigration Assistance	Issue the Form 1-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	HIAS of PA	215-832-0900
Police	Reporting, Emergency medical services, Crime prevention	West Chester Borough Police	610-692-2700
Police	Reporting, Emergency medical services, Crime prevention	West Goshen Police	610-696-7400

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

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

Department of Justice:  
<http://www.ovv.usdoj.gov/sexassault.htm>

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

Pennsylvania Coalition Against Domestic Violence:  
<https://www.pcadv.org/>  
1-800-799-7233

National Sexual Assault Hotline:  
<https://www.rainn.org/>  
1-800-656-4673

Pennsylvania Coalition against Rape:  
<https://pcar.org/>  
1-800-692-7445

Department of Justice, Office on Violence Against Women:  
<https://www.justice.gov/ovv>

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

## How to be an active bystander

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 culture of community 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. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 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.

- 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.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

With no intention to blame the complainant, and with recognition that only those who commit sexual harassment and violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. (Taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

1. 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.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you do not know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Do not allow yourself to be isolated with someone you do not trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. 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.
10. 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.).
11. Do not leave your drink unattended

while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.

12. Do not accept drinks from people you do not 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, do not drink from the punch bowls or other large, common open containers.
13. 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 have had, or is acting out of character, get him or her to a safe place immediately.
14. 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).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. 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.
  - b. Be true to yourself. Do not feel obligated to do anything you do not 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.
  - c. Have a code word with your friends or family so that if you do not 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.
  - d. 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.

16. 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?
17. 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.

## ADJUDICATION OF VIOLATIONS

### (The Philadelphia Center City Campus follows the main West Chester University procedures)

Whether or not criminal charges are filed, the University or a single person may file a complaint alleging that a student or an employee violated the Sexual Misconduct policy. The following are the overviews of the policy and procedures in place as they relate to employees as the accused or students as the accused.

Reports of all domestic violence, dating violence, sexual assault, and stalking made to campus Public Safety will automatically be referred to the Title IX Coordinator for review and processing regardless of whether or not the complainant chooses to pursue criminal charges.

The University has developed policies for resolving reports of Domestic Violence, Dating Violence, Sexual Assault, and Stalking. For students, these allegations will be resolved using the procedures outlined in the Student Code of Conduct (for students) or the Sexual Harassment Policy (for employees).

#### To file a West Chester University student conduct report:

Sexual misconduct is a violation of the Student Code of Conduct, and as such, a complainant may make a judicial complaint against a West Chester University student(s). A student conduct investigation and hearing are separate from a criminal investigation by the police. A respondent can receive punishment up to and including expulsion from the University. Formal student conduct complaints can be made by contacting:

Christina Brenner  
Office of Student Conduct  
Ruby Jones Hall, Room 200  
[CBrenner@wcupa.edu](mailto:CBrenner@wcupa.edu)  
610-436-3511

Or by this link: [Report a Student Conduct Violation](#)

#### To file an anonymous report

The University strongly encourages those who want to file a report on behalf of themselves or someone else to identify themselves by name, but anonymous reports will be accepted by anyone with knowledge of a sexual misconduct violation.

Anonymous reports can be filed in a couple of ways.

Submit a Sexual Misconduct Incident Report Form (see below for more information on this form) online at:

[https://cm.maxient.com/reportingform.php?WestChesterUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?WestChesterUniv&layout_id=1)

#### Sexual Misconduct Reporting form

Paper copies can be downloaded from the site or by visiting any of the offices listed in the On-Campus Resources section of the policy. Submit paper copies of the form via campus or postal mail to Lynn Klingensmith, Title IX Coordinator, Office of Diversity, Equity, and Inclusion, 114 W. Rosedale Avenue, West Chester, PA 19382.

The Sexual Misconduct Incident Report Form is used to collect statistical information, which must be passed along to campus law enforcement for publication in the annual Campus Security Report as required by the Jeanne Clery Act. Such information helps to provide the community with a clear picture of the extent and nature of campus crime in order to ensure

greater safety. No names or other personally identifying information is used in the Campus Security Report, which can be found on the Department of Public Safety website at [www.wcupa.edu/dps/](http://www.wcupa.edu/dps/).

The Sexual Misconduct Incident Report Form can be filled out by a student, staff, faculty, community member, parent, or anyone with information to report. Those who have been identified as Campus Security Authorities (CSAs) should not fill out the Sexual Misconduct Incident Report Form. Instead, CSAs are required to submit an online Clery Act Report [www.wcupa.edu/csa](http://www.wcupa.edu/csa). If you have any questions about Campus Security Authorities (CSAs) or the Clery Act Report, please contact the Director of Public Safety at 610-436-3478.

Anonymous reports are used to collect information on instances of sexual misconduct. The information is useful for assessing the danger the incident represents to the community at large. In addition, information is also used for assessment purposes to ensure that West Chester University is maintaining a campus climate that is safe and supportive and providing adequate resources for students.

The University has a legal obligation to investigate anonymous reports of sexual misconduct to the extent feasible. It is not usually possible to conduct a formal investigation of anonymous reports of sexual misconduct, or in situations where a complainant requests confidentiality, or when a person making a report asks that the complaint not be pursued; however, the University has a responsibility to take action to prevent misconduct.

In the event of anonymous reports of sexual misconduct, or if the person making the report asks that the complaint not be pursued, the Office for Diversity, Equity, and Inclusion will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality, which may include meeting with the alleged harasser to provide notification of the allegations and the possible repercussions if a formal complaint is brought forward. The Office for Diversity, Equity and Inclusion may recommend voluntary sexual misconduct training for an individual or a work unit.

## West Chester University Disciplinary Procedure

Any student or employee of West Chester University can file a charge against a student or student organization for violations of the Student Code of Conduct on the basis of sexual misconduct. Student Code of Conduct charges are entirely separate from a criminal investigation by the police, and any complainant may file a criminal complaint with police in addition to a Student Code of Conduct violation. The intentional filing of a false report will not be tolerated. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal laws and civil defamation laws. Full detail of the procedures can be found in the Student Code of Conduct at [www.wcupa.edu/conduct](http://www.wcupa.edu/conduct).

### Retaliation

West Chester University prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of sexual misconduct or misconduct. Any retaliatory behavior should be reported immediately to the Director of Student Conduct (see Campus Resources section on pages 45-46 of this document). Any person, including third parties, who violates this retaliation policy, will be subject to discipline, up to and including termination if they are an employee, and/or expulsion if they are a student.

### Investigation

Once a complainant files a sexual misconduct formal complaint, the Title IX Coordinator will assign an investigator. The Investigator is a West Chester University staff member who has received specialized training on conducting investigations. The Investigator conducts a fact-finding investigation with all involved parties, any relevant witnesses, and a review of relevant documents (text messages, emails, video, photos, etc.). The complainant and respondent may each have an advisor and/or support person present during their interviews. The investigator takes notes during the interview and provides each participant with a summary of the interview for the purpose of review. The investigation of a complaint will be conducted in a timely manner and will be completed within sixty days unless there are extenuating circumstances.

At the conclusion of the investigation, the investigator prepares a written report that includes a statement of the allegations and issues, summaries of statements offered by the parties and witnesses. Review of any additional evidence, identification of facts in and not in dispute, and a determination

on whether the alleged actions violated the Sexual Misconduct Policy using the preponderance of evidence standard. At any point prior to, or during an investigation, the complainant may seek out interim or supportive measures until a formal remedy is imposed. Complainants may request:

- Housing reassignment to ensure that victim and accused are not in close proximity.
- Limitations on contact between parties (referred to as a “No Contact Directive”).
- An escort to ensure the complainant’s safety.
- Reassignment of classes to ensure that the complainant and respondent are not attending the same class.
- Counseling services.
- Medical services.
- Academic support such as tutoring.
- To withdraw from a class without penalty.

The Director of Student Conduct may also consider other remedies and/or measures to ensure the safety of the complainant and the campus community.

### Overview of the Disciplinary process

The Director of Student Conduct will contact the complainant upon receipt of the investigator’s report to discuss options available for resolution of the complaint. The complainant may choose to resolve the complaint informally or through a formal process (Student Conduct Board Hearing). Informal resolution options include, but are not limited to, “no contact directives,” residence hall reassignments, and/or adjustment of class schedules. Mediation between the parties will never be used in the case of sexual misconduct. Once the informal resolution procedure is complete, all parties will receive written

notification. The Title IX Coordinator will also be given notification. If the complainant is not satisfied with informal resolution, a Student Conduct Board Hearing will be scheduled within seven business days of the request for a hearing.

Prior to a hearing, both the complainant and the respondent will be granted similar and timely access to any information that will be used at the hearing. They will have the opportunity to review any statements that will be used during the hearing.

### Student Conduct hearing

1. The purpose of a hearing is to review the facts and circumstances of the alleged incident and to accept all evidence and statements offered during the hearing in order to determine the student’s or student group’s level of responsibility. In determining whether a violation has occurred, the “preponderance of the evidence” standard is applied. There are two types of formal hearings — an administrative hearing, conducted by one University employee — and a University Board Hearing. A University Board Hearing is conducted by three University community members. University board members each have an equal vote in the outcome of the proceeding. Each member is trained in advance and pre-screened on a case-by-case basis to eliminate familiarity with the involved parties.
2. Witnesses: Involved students may want to include witnesses on their behalf. The University Case Presenter and the accused shall have the right to present witnesses. Accused students and complainants in sexual misconduct hearings may submit questions to the chair for responses by the opposing party. All parties must provide a list of potential witnesses to the Office of Student Conduct prior to the hearing as they are subject to cross-examination. The office will provide the witness list(s) to all relevant parties with the exception of group misconduct cases\*. If a formal investigation was conducted, any witness present must have been identified and accessible during the investigation process. If a witness is not provided during the investigation process, then the student’s presentation of that witness during



the hearing is at the discretion of the hearing facilitator and should only be allowed based on new information not known during the investigation process. Character witnesses and statements will not be allowed. \*In cases involving allegations of policy violations by student groups, evidence of misconduct may be presented by the investigator rather than through each individual witness.

3. All materials to be presented at the hearing must be submitted to the Office of Student Conduct prior to the hearing. The hearing facilitator will make copies of submitted materials available for inspection (not for duplication) to all relevant student parties prior to the hearing.
4. Any materials submitted less than four calendar days before the hearing may only be considered at the discretion of the hearing facilitator. Further, the hearing facilitator holds ultimate discretion over what records, exhibits, and written statements may be accepted as information for consideration by the hearing officer or University Hearing Board.
5. All procedural questions, including those regarding materials and testimony that will be presented during the hearing, are subject to the final decision of the hearing facilitator.
  - The hearing officer has the responsibility for maintaining order and decorum. They have the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The hearing facilitator has the authority to direct the time of entrance and exit of all parties participating in the hearing. All hearings are closed proceedings. A student group may file an advance request to allow additional student group leaders to attend the hearing as non-participants; however, they may not be accused students nor witnesses in the case.

## PROCEDURES FOR STUDENT CONDUCT HEARINGS

Please note, in cases involving infliction or threat of violence, or a sexual misconduct allegation, either party may request in advance a screen to separate the complainant and the accused. At a formal hearing that is initially scheduled or requested by a student or student group, the following procedure will be followed to the extent possible:

1. The hearing officer/board shall open the proceedings by reading the statement of alleged violations.
2. Before presenting any testimony, each person must submit to an oath where they swear and affirm the truth of statements to be made.
3. The University Case Presenter shall then present its case against the accused party. This shall be done by the submission of written, physical, and/ or testimonial evidence.
4. In sexual misconduct cases, questions between the complainant and the accused will be submitted to the hearing facilitator. The hearing facilitator will review and, if necessary, will appropriately revise for repetitiveness, relevance, and essential rephrasing. The chairperson will then direct the questions to the appropriate party.
5. At the conclusion of the University Case Presenter's presentation, the accused party shall present a response to the allegations. This shall be done by the submission of written, physical, and/or testimonial evidence.
6. At the close of the hearing, the hearing facilitator will allow closing statements by the parties, which may include rebuttal comments.
  - a. Any person who commits an action that interrupts the proceedings or refuses to comply with a reasonable order of the hearing officer/board shall be subject to removal from the hearing.
  - b. All matters upon which the decision will be based must be introduced into evidence at the hearing.
  - c. All formal hearings will be recorded and subject to the Disciplinary Records and Retention policy (Section VI). Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. If such records contain sensitive or confidential information, a request for a copy will be denied. Personal recording of the hearing is prohibited and subject to criminal prosecution.
  - d. Case resolution will be based upon evidence sufficient to make a reasonable person believe that the facts sought to be proven are more likely true than not, otherwise known as preponderance of the evidence.
  - e. Once responsibility is determined, in addition to testimony and evidence presented at a conduct meeting or hearing, a hearing officer/board may consider the following elements before rendering a sanction:
    - i. Academic records and class year.
    - ii. The nature and severity of previous discipline records including that, which is public record.
    - iii. Attitude of the accused during the conference and/or hearing.
    - iv. Whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the University community.

The University retains the right to continue a hearing whenever necessary and appropriate. Any students or student group who fail to appear at a scheduled hearing consent to the conducting of said hearing in their absence. Should the student be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter. If during or after the conduct process it is determined that individuals intentionally misrepresented the facts of the case in their testimony, they

may be referred to the office of Student Conduct or appropriate University office. If this misrepresentation is discovered after a hearing, the Office of Student Conduct, in consultation with the hearing officer/board, will review the evidence to determine whether the case should be reopened and/or a new hearing scheduled.

The Office of Student Conduct will issue a written statement of the findings of fact and reasons for the decision (referred to as an “Outcome Letter”) to the accused within 30 business days after the close of the hearing. Pending action on the allegations, the student’s status shall not be altered nor shall the student’s right to be present on university property or to attend classes be suspended, except for reasons relating to their physical or emotional safety and well-being or for reasons relating to the safety of students, employees, personnel, or University property (See Sanction Interim Disciplinary Suspension).

In cases of sexual misconduct, the Office of Student Conduct will also send the Outcome Letter to the complainant and the Title IX Coordinator/Director of Equity and Compliance. Both parties have the right to appeal.

### Appeals Board

- A. Upon receiving a sanction from the hearing officer/board, a student or group may appeal for the following reasons:
- Violations of procedures, which would have substantially impacted the outcome of the hearing.
  - Severity of the sanction is grossly disproportionate to the violation(s).
  - Lack of substantial evidence upon which a determination of responsibility can be based; or
  - New evidence that was not previously available, and that might substantially change the outcome of the hearing.
- B. All appeals must be made in writing by the published appeal date noted on the outcome letter and submitted via the Office of Student Conduct Outcome Appeal. The appeal should explain in detail the basis of the request, including any supporting documentation. With the exception of interim measures, upon receipt of the written appeal, the Office of Student Conduct

will defer the imposition of the sanction(s) pending the outcome of the appeal process.

- C. In cases of alleged sexual misconduct with a complainant, upon receipt of an appeal by either party, the Office of Student Conduct will forward a copy of the appeal to the opposing party and allow five (5) University business days for a response. The Response to Appeal Form will be shared with the appropriate parties concerned with the appeal.
- D. Appeals will be forwarded to a University Appeals Board for review in a timely manner. Appeal Boards are comprised of one professional staff member, one faculty member, and one student chosen from active members of the University Hearing Board. When necessary, a University Hearing Board may be convened by a quorum.

A quorum in this case would be a combination of at least two of the previously mentioned individuals.

- A. The Appeals Board will review the written appeal and all documentation contained within the student’s or groups disciplinary file.
- B. The Board is not obligated to reconvene a hearing if a violation of procedure is found. However, if a new hearing is granted, the same procedures used for the original hearing will be followed. All meetings and hearings of the appeal process are closed proceedings.
- C. The Appeals Board by a simple majority vote will uphold the sanction, modify the sanction, or order a new hearing.

### Second Level Appeal

A second level appeal may be made to the Vice President for Student Affairs to review the appeal decision. An appeal to the Vice President for Student Affairs must be presented within five (5) University business days of formal notification of the appeal decision. This must be submitted in writing via the Office of Student Conduct Outcome Appeal Form found in the outcome letter and online. An appeal to the Vice President for Student Affairs must include clear and convincing reasons to overrule the decision of the first appeal. An appeal to the Vice President for Student Affairs should include information to support the following reasons for the appeal:

- Violations of procedures which would have substantially impacted the outcome.
- Severity of the sanction is grossly disproportionate to the violation(s).
- Lack of substantial evidence upon which a determination of responsibility can be based; and/or
- New evidence that was not previously available, and that might substantially change the nature of the case.

The Vice President for Student Affairs or designee may or may not elect to review a decision. The student petitioning for the appeal will be notified of the decision of the Vice President for Student Affairs, or designee, within a reasonable period of time. The second level appeal is the final step in the West Chester University process.

### Possible Student Sanctions

**Sexual Harassment** – The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Final Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, and related educational conditions.

**Sexual Assault** – The range of sanctions for students responsible for this violation include: Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, and residential non-renewal or reassignment.

**Sexual Exploitation** – The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Final Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

**Stalking** – The range of sanctions for students responsible for this violation include Disciplinary Probation (ranging

from 6 weeks to 10 semesters), Final Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

**Dating Violence** –The range of sanctions for students responsible for this violation include: Disciplinary Reprimand, Disciplinary Probation (ranging from 6 weeks to 10 semesters), Final Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

**Domestic Violence** – The range of sanctions for students responsible for this violation include: Disciplinary Reprimand, Disciplinary Probation (ranging from 6 weeks to 10 semesters), Final Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

**Retaliation** – The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Final Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

**Violation of Supportive Measures** – The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Final Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing,

residential non-renewal or reassignment, or related educational conditions.

West Chester University's disciplinary process is consistent with the institution's policy and will include a prompt, fair, and impartial process from the initial investigation to the final result.

All proceedings will be conducted in a manner that is consistent with the institution's policies and transparent to the accuser and the accused. Usually, the resolution of complaints involving Domestic Violence, Dating Violence, Sexual Assault and Stalking are completed within 90 days of the report, however the proceedings timeframe allows for extensions for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

All officials involved in disciplinary proceedings (from the initial investigation through any appeals) are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and investigation process and protocol and hearing process that protects the safety of the complainant and promotes accountability. The policy provides that:

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of complainants and promotes accountability.
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present.
3. The institution will allow for timely and equal access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings.
4. Officials who have a conflict of interest or bias for or against the accuser or the accused will not conduct the institutional disciplinary procedures.
5. The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each

have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused. However, the role of the advisor is limited to consulting or advising his or her Advisee at any meeting or hearing. An Advisor may not speak on behalf of the Advisee at any proceeding.

6. A decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the process asks, "is it more likely than not that the accused violated the applicable policy?"
7. The accuser and the accused will be notified simultaneously, in writing, of the result of any disciplinary proceeding; and
8. Where an appeal 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 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.

When a complainant does not consent to the disclosure of his or her name or other identifiable information to the alleged perpetrator, West Chester University's ability to respond to the complaint may be limited.

### Confidentiality

West Chester University will protect the identity of persons who report having been survivors of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law and as previously mentioned in this document.

## Additional University initiated protective measures

The Title IX Coordinator or their designee will determine whether interim interventions and interim and permanent protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible.

Examples of interim protective measures include but are not limited to a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Chester University.

## Federal timely warning notification

Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking should be aware that West Chester University administrators must issue timely warnings for incidents reported that pose a serious or continuing threat to members of the campus community. West Chester University will ensure that a victim's name and other identifying information is not disclosed when such warnings are issued, while still providing enough information for community members to make safety decisions for themselves.

## Sex offender registry

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. A list of all registered sex offenders in Pennsylvania

is available at: [www.pameganslaw.state.pa.us/](http://www.pameganslaw.state.pa.us/) expects to complete the investigation within 50 business days of receiving a written complaint unless there are extenuating circumstances which may prevent the University from complying with this timeframe. 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.

## How to File a Disciplinary Complaint Under this Policy

The complainant has the right, consistent with this policy's timeframe, to file a formal complaint at any time during the informal process or if satisfactory results are not achieved through the informal process. The complainant also has the option of pursuing formal complaints through the following public agencies responsible for enforcing the laws against sexual harassment within the time frames listed.

### PA Human Relations Commission

(215) 560-2496 (180 days).

### U.S. Dept. of Education, Office for Civil Rights

(215) 656-8541 (180 days).

### Equal Employment Opportunity Commission

(800) 669-4000 (300 days).

Employees accused of sexual harassment have the right to be assisted by their collective bargaining unit representative at any meeting held to discuss the complaint with the accused. If an employee elects to be represented by his or her union, the union will receive copies of all written notifications sent to the accused. Employees equally have the right not to be represented by their union. The decision regarding union representation rests solely with the accused employee. When a formal investigation is to be conducted against a faculty member, Article 43 of the APSCUF collective bargaining agreement will also govern. The complainant also has the right to be assisted in all aspects of the complaint procedure by an advocate should they desire to do so. Trained faculty and staff are available to serve to: clarify procedural issues, assist with the preparation of the complaint, make inquiries as to the status of the complaint, and provide other support-related functions.

The Social Equity Director will provide the name and contact information of an available advocate to the complainant. The role of the Collective Bargaining Unit representatives and complainant advocates is limited to the advice and counsel of their principals only. If a complaint alleges sexual harassment by an employee of the Office of Social Equity or the Office of the President, the complaint will be investigated by a party external to the host University.

Sexual harassment is a serious matter which can have far-reaching effects; therefore, knowingly false, or malicious accusations may result in disciplinary action.

In order to process either an informal or formal complaint of sexual harassment, the individual, accompanied by an advocate if she or he wishes, must process the complaint through the University's Social Equity Director. The complainant will provide a written statement to the Social Equity Director with sufficient factual information to permit the director to make an initial determination if the University policy on sexual harassment may have been violated.

Complaints should be filed within 180 days after the alleged act or behavior. However, it is in the best interest of all to conduct a timely review of the circumstances of the alleged harassing behavior; accordingly, complainants are urged to file complaints as soon as possible. In recognition of the dignity and reputations of all parties, it is the intent of the host University's employees officially involved in the proceedings or investigation to preserve the confidentiality of the complaints and all proceedings. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and problem resolution, have a need to know. The complainant and the accused are expected to maintain confidentiality consistent with the intent of the host University.

The facts will be evaluated using a preponderance of the evidence standard to determine if a violation of this policy has occurred. At the conclusion of the process, written outcomes and resolutions will be provided to the complainant and the accused.



## The complaint process

The sexual harassment complaint process includes different types of procedures for resolving complaints from individuals who believe they may have been the subject of a specific act or a pattern of behavior falling within the definition of sexual harassment.

The individual can, if he or she chooses, inform the offender orally or in writing that those actions are offensive and to ask firmly that they cease. However, should the oral or written request not stop the harassment or if such a request is too difficult to make, then the individual may discuss the issue with the offender's supervisor, department chairperson or dean, or contact any of the below listed University offices to seek assistance.

### **Title IX Coordinator**

Lynn Klingensmith  
Office of Diversity, Equity, and Inclusion  
(610) 436-2513

### **Director of Women's Center**

West Chester University: Dr. Sendy Guerrier  
Alcidonis  
(610) 436-2122

### **Director of Judicial Affairs & Student Assistance**

West Chester University: Christina Brenner  
(610) 436-3511

### **Assistant V.P. for Student Affairs / Dean of Students**

West Chester University: Dr. Gerald Martin  
(610) 436-1074

### **Director Human Resource Services West Chester University:**

William J. Helzlsouer  
(610) 436-5653

See the host University Annual Security Report for more information on the above process. The above noted offices serve as an initial point of contact and provide information regarding sexual harassment and the University's procedures in handling complaints. The Social Equity and Compliance Director will be responsible for initially determining if the complaint may represent a violation of the University's sexual harassment policy. If the Social Equity and Compliance Director determines that the complaint does not violate the University's Sexual Harassment Policy, the individual filing the complaint will be so advised and the on-campus case will be closed. If there is a disagreement with this decision, the individual filing the complaint may ask that

the decision be reviewed by the Review Panel. The Social Equity and Compliance Director does maintain the right to refer the case to other appropriate officials if it appears there may be other misconduct not construed to be sexual harassment. If the Social Equity and Compliance Director determines that the allegation may represent a violation of the University's sexual harassment policy, the complainant may choose to process the complaint through either the informal or formal procedures.

### **Informal complaint procedure**

Informal procedures (wherein no formal finding or discipline of an employee will be involved) include efforts to mediate a resolution upon which both the complainant and the individual accused of sexual harassment behavior can agree. It is not appropriate to use this informal complaint procedure in cases of sexual assault.

The complainant initiates the informal procedure by filing a written complaint. Upon review of the informal complaint, the Social Equity and Compliance Director will contact the accused to arrange a meeting to inform the individual of the complaint. If the person making the accusation is a student enrolled at the time in the class of the accused, upon request of the student, the Social Equity Director may delay the notification until after the completion of the semester. The Social Equity Director will advise the accused of the informal complaint procedures and describe the alleged behaviors which are considered to be offensive by the complainant.

After accepting the informal complaint, informing the accused of the allegations and the complainant's desire for mediation, and with the concurrence of the accused, the Social Equity and Compliance Director will facilitate a resolution or appoint a mediator. The Social Equity Director will notify the parties of the mediator's identity. Mediation occurs by mutual consent; therefore, at any stage of the mediation process either party has the opportunity to withdraw from the process. The mediator will serve as the facilitator to seek resolution. Information regarding the circumstances and perceptions of the complainant will be shared by the mediator with the accused and the accused will have an opportunity to respond. The Social Equity and Compliance Director will send a written summary of the

outcome to the parties. If the complainant is not satisfied with the outcome, the complainant may choose to file a formal complaint utilizing the University's sexual harassment policy or through external agencies. If the Social Equity and Compliance Director makes a determination that there is a need for a formal investigation, the formal process may be initiated on behalf of the University.

All written summaries of the Informal Complaint Procedure will be maintained by the Social Equity and Compliance Office for a period of five (5) years. No written record will be forwarded to the official personnel file.

### **Director of Social Equity and Compliance West Chester University:**

Ms. Lynn Klingensmith  
(610) 436-2433

### **Formal Complaint Procedure**

Formal procedure (wherein a formal finding will be made, and discipline of an employee may be imposed if appropriate) includes an investigatory and review process. This investigatory procedure is not intended to interfere with any legal rights an employee or student has under the statutes and other laws of the Commonwealth of Pennsylvania or the government of the United States of America. In addition, it is not intended to interfere with any rights an employee may have under the appropriate collective bargaining agreement.

The complainant initiates the formal complaint procedure by filing a written formal complaint. The Social Equity Director will inform the accused of the allegation and provide the accused with a copy of the written complaint and a copy of the host University's sexual harassment policy. No investigation will be commenced until a copy of the complaint and sexual harassment policy has been mailed to the accused by certified mail. The accused employee will be advised of the rights to the union representation if appropriate. The Social Equity and Compliance Director will provide an opportunity to meet with the accused in a timely manner to review the formal complaint and the host University's sexual harassment investigatory procedures. The employee may choose to be accompanied by a union representative at this meeting.

After accepting a written formal complaint, the Social Equity and Compliance Director will appoint a fact finder. When appropri-

ate, as determined by the Social Equity and Compliance Director, two fact finders may be assigned to a case. The Social Equity and Compliance Director will notify the parties of the fact finder's identity. In addition, the appropriate manager, supervisor and/or chairperson will be advised. Fact finders are specifically trained and impartial faculty or staff. The fact finder's role is to investigate complaints and make findings of fact pertaining to the complaint. Investigating complaints includes but is not limited to access to records and interviewing the complainant, accused and others who may have relevant information. The fact finder has sole discretion to determine the scope and format of the investigation.

The fact finder will submit a report of his or her findings to the Social Equity and Compliance Director. The Social Equity and Compliance Office will then convene the Review Panel. This Panel, consisting of three individuals selected by the Social Equity Director from the pool of specifically trained and impartial faculty or staff, will serve as consultants to the Social Equity and Compliance Director in formulating an opinion as to whether reasonable cause exists to believe that a violation of the University's Sexual Harassment Policy has occurred.

In consultation with the Review Panel, the Social Equity and Compliance Director will formulate an opinion on whether there has been a violation of the University's policy on sexual harassment. The facts will be evaluated using a preponderance of the evidence standard to determine if a violation of this policy has occurred.

If it is determined that there is not enough evidence to warrant a finding of sexual harassment, the complainant and accused will so be notified by the Social Equity and Compliance Director and the sexual harassment complaint will be closed. The Social Equity and Compliance Director, however, does maintain the right to refer the case to other appropriate University officials if it appears there may be violations of the host University's Misconduct Policy or other University policies, not construed to be sexual harassment.

If it is the opinion of the Social Equity and Compliance Director that there is reasonable cause to believe that the University's policy on sexual harassment has been violated, the Social Equity and Compliance

Director will forward the fact finder's report, the Review Panel's recommendations and the Social Equity Director's opinion to the appropriate manager.

Copies of these documents also will be provided to the accused.

The manager will utilize the existing host University pre-disciplinary conference procedures, ensuring that the accused employee has the opportunity to be represented, if so desired, by his or her union representative during the pre-disciplinary conference proceedings.

At the pre-disciplinary conference, the accused will have an opportunity to rebut the findings of the fact finders' report, the recommendations of the review panel, and the opinion of the Social Equity and Compliance Director. After completing the pre-disciplinary conference, the manager in consultation with the Associate Vice President for Human Resource Services and other University officials as needed, will determine if discipline is appropriate, and if appropriate, what level of discipline should be imposed.

Disciplined employees will have the right to appeal and/or grieve management's decision to the extent provided in the appropriate policy and/or collective bargaining agreement. The complainant will receive written notification of the final disposition of the complaint. If the complainant finds the resolution or disciplinary action unsatisfactory, he or she may pursue the complaint with the appropriate external agencies.

## APPENDIX A

### PASSHE CENTER CITY, PHILADELPHIA CLERY ACT STATISTICS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS 1	RESIDENTIAL FACILITIES 2 (SUBSET OF ON CAMPUS)	NON CAMPUS 3	PUBLIC PROPERTY 4
LIQUOR LAW VIOLATIONS (ARREST)	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
DRUG LAW VIOLATIONS (ARREST)	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
WEAPONS VIOLATIONS (ARRESTS)	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Unfounded Complaints	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

1. On Campus- Any Building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes. University residence halls are included with this definition. Any building or property that is within or reasonably contiguous to the areas described above that supports University purposes and that is: owned by the University but controlled by another person or entity; or is frequently used by students.
2. Residential Facilities - Dormitories or other residential facilities for students on campus is a subset of the On-Campus Category. Statistics from this category are repeated in the On-Campus column.
3. Non-Campus- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.
4. Public Property- All public property, including thoroughfares, streets and sidewalks that is within the campus or immediately adjacent to and accessible from the campus. Data collected and reported by the City of Philadelphia Police Department.

*\*There are no residential facilities at the PASSHE Center City Campus.*

#### ► DEFINITIONS & TERMS FOR ALL CATEGORIES – PLEASE SEE APPENDIX C

## PASSHE CENTER CITY CAMPUS—CLERY ACT STATISTICS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
<b>CRIMINAL HOMICIDE: NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>CRIMINAL HOMICIDE: MAN-SLAUGHTER BY NEGLIGENCE</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>SEX OFFENSES RAPE</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>SEX OFFENSES FONDLING</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>SEX OFFENSES INCEST</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>SEX OFFENSES STATUTORY RAPE</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>ROBBERY</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>AGGRAVATED ASSAULT</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>BURGLARY</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Motor Vehicle Theft</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>ARSON</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

This table contains crimes reported to the City of Philadelphia Police Department and campus officials. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the “Clery Act.” The Clery Act is a federal law that requires all Post-secondary educational institutions participating in federal student financial aid programs to publicly disclose crime statistics and crime prevention/security policies for their campuses every year.



## PASSHE CENTER CITY CAMPUS—CLERY ACT STATISTICS VAWA OFFENSES

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
Domestic Violence	2017	0	0	0	0
Domestic Violence	2017	0	0	0	0
Domestic Violence	2017	0	0	0	0
Dating Violence	2018	0	0	0	0
Dating Violence	2018	0	0	0	0
Dating Violence	2018	0	0	0	0
Stalking	2019	0	0	0	0
Stalking	2019	0	0	0	0
Stalking	2019	0	0	0	0

### PASSHE CENTER CITY CAMPUS – HATE CRIME REPORTING

No Hate Crimes have been reported for the PASHEE Philadelphia Campus during this reporting period of 2017, 2018, and 2019.

### PASSHE CENTER CITY CAMPUS – UNFOUNDED REPORTING

No unfounded crimes have been reported for the PASHEE Philadelphia Campus during this reporting period of 2017, 2018, 2019.

## UNIFORM CRIME REPORTS—PART I OFFENSES—PASSHE CENTER CITY CAMPUS

The PASSHE Philadelphia Campus is required to report crimes under the Uniform Crime Reporting System in addition to the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Due to differences in crime classifications and their definitions, reported statistics in the two reports are generally not comparable.

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)*	OFFENSE RATIO
<b>HOMICIDE:MURDER &amp; NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>HOMICIDE: NEGLIGENT MANSLAUGHTER</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>RAPE</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>ROBBERY</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>AGGRAVATED ASSAULT</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>BURGLARY</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0

<b>LARCENY</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>MOTOR VEHICLE THEFT</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>ARSON</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0

\* Full Time Equivalent is based on fall semester student and employee population.

## UNIFORM CRIME REPORTS- PART II OFFENSES - PASSHE CENTER CITY CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)*	OFFENSE RATIO
<b>OTHER ASSAULTS</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>FORGERY</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>FRAUD</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>EMBEZZLEMENT</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>RECEIVING STOLEN PROPERTY</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>VANDALISM</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>WEAPONS OFFENSES</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>PROSTITUTION</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0
<b>SEX OFFENSES</b>	2017	0	464	0
	2018	0	286	0
	2019	0	211	0

<b>DRUG OFFENSES</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>GAMBLING</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>OFFENSES AGAINST FAMILY</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>EMBEZZLEMENT</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>DRIVING UNDER THE INFLUENCE</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>LIQUOR LAW VIOLATIONS</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>PUBLIC DRUNKENNESS</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>DISORDERLY CONDUCT</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>VAGANCY</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>ALL OTHER OFFENSES</b>	2017	0	464	0	
	2018	0	286	0	
	2019	0	211	0	
<b>Uniform Crime Report Unfounded Incidents</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

## CLERY DESIGNATED DEFINITIONS

## Clery designated crime definitions

PASSHE Center City is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

1. **Homicide: Murder/Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
2. **Homicide: Manslaughter by Negligence-** The killing of another person through gross negligence.
3. **Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - d. **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - e. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - f. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - g. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
4. **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.
5. **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or

aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that the injury result from an aggravated assault when a gun, knife, or other weapon is used which would and probably would result in serious personal injury if the crime were successfully completed).

6. **Burglary:** The unlawful entry of a structure to commit a felony or a theft.
7. **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
8. **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## Clery designated hate crime definitions

1. **Hate Crime** – A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.
2. **Bias** – A preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.
3. **Race (Bias)** – A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g. Asians, blacks, whites).
4. **Gender (Bias)** – A preformed negative opinion or attitudes toward a group of persons because those persons are male or female.
5. **Gender Identity (Bias)** – A preformed negative opinion or attitude toward an individual or group because of actual or perceived gender-related characteristics.
6. **Religion (Bias)** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g. Catholics, Jews, Protestants, atheists).
7. **Sexual Orientation (Bias)** – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
8. **Ethnicity (Bias)** – A preformed negative opinion or attitude toward a group of persons who share common or similar traits, languages, customs, and traditions (e.g. Arabs, Hispanics).
9. **National Origin (Bias)** – A preformed negative opinion or attitude toward a group of persons who are from a particular country or part of the world.
10. **Disability (Bias)** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital, or acquired by heredity, injury, advanced age or illness.
11. **Larceny-theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession (position to exercise control over a thing regardless of possession) of another.
12. **Simple assault** – The attack by one person upon another without a weapon, no obvious severe or aggravated bodily injury involving broken bones, loss of teeth, internal injury, severe laceration, or loss of consciousness.
13. **Intimidation** – To place a person in reasonable fear of bodily harm through use of threatening words and/or other conduct without displaying a weapon or subjecting the victim to actual physical attack.
14. **Destruction/damage/vandalism of property** – To willfully and maliciously destroy, damage, deface, or otherwise injure real or personal property without owner's consent or the person who has control or custody of it.



## Clery designated definitions and terms: arrests and disciplinary referrals

1. **Drug Law Violations** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
2. **Liquor Law Violations** – The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
3. **Weapons Law Violations (Carrying, Possession, Etc.)** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
4. **Referral for Campus Disciplinary Action** – The referral of any person to a campus official who initiates a disciplinary action of which a record is kept, and which may result in the imposition of a sanction.

## Uniform Crime Reporting definitions

*Under the Pennsylvania College and University Security Information Act, PASSHE Center City is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned or controlled by the State System. The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes. Each month the Philadelphia Police Department submits information on the number of Part I and Part II offenses known to law enforcement; those offenses cleared by arrest or exceptional means; and the age, sex, and race of persons arrested for each of the offenses.*

## The Part I Offenses are:

### **Murder and non-negligent**

**manslaughter** – The willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to: (1) the killing of a felon by a law enforcement officer in the line of duty; or (2) the killing of a felon, during the commission of a felony, by a private citizen. b.) Manslaughter by negligence: the killing of another person through gross negligence. Traffic fatalities are excluded.

**Rape** – The carnal knowledge of a person, 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 or physical incapacity.

**Robbery** – The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

**Burglary (breaking or entering)** – The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

**Larceny** – theft (except motor vehicle theft) The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**Motor vehicle theft** – The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

**Arson** – Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## The Part II offenses are:

Other assaults (simple) -Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim.

**Forgery and counterfeiting** – The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.

**Fraud** – The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses, confidence games and bad checks, except forgeries and counterfeiting, are included.

**Embezzlement** – The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

**Stolen property, buying, receiving, possessing** – Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

**Vandalism** – To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

**Weapons; carrying, possessing, etc.** – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

**Prostitution and commercialized vice** – The unlawful promotion of or participation in sexual activities for profit, including attempts.

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

**Drug abuse violations** – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics – manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

**Gambling** – To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

**Offenses against the family and children** – Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical,

mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.

**Driving under the influence** – Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

**Liquor Laws** – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

**Drunkenness** – To drink alcoholic beverages to the extent that one's mental faculties and physical coordination are substantially impaired. Excludes driving under the influence.

**Disorderly conduct** – Any behavior that tends to disturb the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

**Vagrancy** – The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

**All other offenses** – All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

## APPENDIX C

### DEFINITION OF TERMS AS DEFINED BY PENNSYLVANIA STATE CRIMINAL STATUTES

Consent is defined in Pennsylvania Criminal Law as;

#### 311. Consent.

- A. **GENERAL RULE.** The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negates an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.
- B. **CONSENT TO BODILY INJURY.** When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:
1. The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  2. The consent establishes a justification for the conduct under Chapter 5 of this title. (Relating to general principles of justification).
- C. **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.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1992-24 (S.B.3), PL.108, 17, approved Apr.13, 1992, eff. in 60 days.*

Sexual assault is defined under the following statutes in Pennsylvania criminal code: PA Crimes Code CHAPTER 31.

## SEXUAL OFFENSES

### SUBCHAPTER A. GENERAL PROVISIONS SUBCHAPTER B. DEFINITION OF OFFENSES SUBCHAPTER C. LOSS OF PROPERTY RIGHTS

#### SUBCHAPTER A. GENERAL PROVISIONS

- 3101. Definitions.
- 3102. Mistake as to age.
- 3104. Evidence of victim's sexual conduct.
- 3105. Prompt complaint.
- 3106. Testimony of complainants.
- 3107. Resistance not required.
- 3101. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases used in this chapter shall have, unless the context clearly states otherwise, the meanings given to them in this section.

**COMPLAINANT** – An alleged victim of a crime under this chapter.

**DEVIATE SEXUAL INTERCOURSE** – Sexual intercourse per os (per mouth) or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

**FORCIBLE COMPULSION** – Compulsion by use of physical, intellectual, moral, emotional, or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

**FOREIGN OBJECT** – Includes any physical object not a part of the actors' body.

**INDECENT CONTACT** – Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

**SERIOUS BODILY INJURY** – As defined in section 2301 (relating to definitions).

**SEXUAL INTERCOURSE** – In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1984-230 (H.B. 281), PL. 1210, 1, approved Dec. 21, 1984, eff. immediately; Act 1990-4 (H.B. 1120), PL. 6, 4, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special*

*Session-10 (S.B. 2), PL. 985, 1, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL. 1350, 1, approved Dec. 9, 2002, eff. In 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1, approved Dec. 16, 2002, eff. in 60 days.*

### 3102. Mistake as to Age

Except as otherwise provided, whenever in this chapter the criminality of conduct depends on a child being below the age of 14 years, it is no defense that the defendant did not know the age of the child or reasonably believed the child to be the age of 14 years or older. When criminality depends on the child's being below a critical age older than 14 years, it is a defense for the defendant to prove by a preponderance of the evidence that he or she reasonably believed the child to be above the critical age.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 1, approved Mar. 31, 1995, See section of this act for effective date information.*

### 3104. Evidence of Victims Sexual Conduct.

**A. GENERAL RULE.** Evidence of specific instances of the alleged victims past sexual conduct, opinion evidence of the alleged victims past sexual conduct, and reputation evidence of the alleged victims past sexual conduct shall not be admissible in prosecutions under this chapter except evidence of the alleged victims past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.

**B. EVIDENTIARY PROCEEDINGS.** A defendant who proposes to offer evidence of the alleged victims past sexual conduct pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a). *Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days.*

### 3105. Prompt Complaint.

Prompt reporting to public authority is not required in a prosecution under this chapter: Provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence of the complainant's failure to promptly report the crime if such evidence would be admissible pursuant to the rules of evidence.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information.*

### 3106. Testimony of Complainants.

The credibility of a complainant of an offense under this chapter shall be determined by the same standard as is the credibility of a complainant of any other crime. The testimony of a complainant need not be corroborated in prosecutions under this chapter. No instructions shall be given cautioning the jury to view the complainant's testimony in any other way than that in which all complainants' testimony is viewed.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 2, approved May 18, 1976, eff. In 30 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information.*

### 3107. Resistance not Required.

The alleged victim need not resist the actor in prosecutions under this chapter: Provided, however, that nothing in this section shall be construed to prohibit a defendant from introducing evidence that the alleged victim consented to the conduct in question.

*Act 1976-53 (H.B. 580), PL. 120, 2, approved May 18, 1976, eff. in 30 days.*



## SUBCHAPTER B. DEFINITION OF OFFENSES

### 3121. Rape.

#### 3122.1. Statutory sexual assault.

### 3123. Involuntary deviate sexual intercourse.

#### 3124.1. Sexual assault.

#### 3124.2. Institutional sexual assault.

### 3125. Aggravated indecent assault.

### 3126. Indecent assault.

### 3127. Indecent exposure.

### 3129. Sexual intercourse with animal.

### 3130. Conduct relating to sex offenders. [Effective until December 20, 2012]

### 3130. Conduct relating to sex offenders [Effective December 20, 2012]

## 3121. Rape

**A. 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 complainants' 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.
6. (Deleted by amendment).

**B. ADDITIONAL PENALTIES.** In addition to the penalty provided for by subsection;

1. a person may be sentenced to an additional term not to exceed ten years confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially

impaired the complainants power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

**C. RAPE OF A CHILD.** A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

**D. RAPE OF A CHILD WITH SERIOUS BODILY INJURY.** A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

**E. SENTENCES.** Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

1. Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years
2. Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1984-230 (H.B. 281), PL. 1210, 1, approved Dec. 21, 1984, eff. in 60 days; Act 1995 Special Session-10 (S.B.2), PL. 985, 3, approved Mar. 31, 1995, See section of this act for effective date information; Act 1997-65 (H.B. 1125), PL. 621, 2, approved Dec. 19, 1997, eff. in 60 days; Act 2002-162 (H.B.976), PL. 1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.*

## 3122.1. Statutory Sexual Assault.

### A. FELONY OF THE SECOND DEGREE.

Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

1. Four years older but less than eight years older than the complainant; or
2. Eight years older but less than 11 years older than the complainant.

### B. FELONY OF THE FIRST DEGREE.

A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

*Act 1995 Special Session-10 (S.B. 2), PL. 985, 5, approved Mar 31, 1995, See section of this act for effective date information; Act 2011-111 (S.B.1183), 1, approved Dec. 20, 2011, eft. in 60 days.*

## 3123. Involuntary Deviate Sexual Intercourse. (a)

**A. OFFENSE DEFINED.** A person commits a felony of the first degree when the person engages in deviate 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 complainants' 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 him or her incapable of consent; or (6) (Deleted by amendment).
6. who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

**B. INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD.** A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

**C. INVOLUNTARY DEVIATE SEXUAL INTERCOURSE WITH A CHILD WITH SERIOUS BODILY INJURY.** A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

**D. SENTENCES.** Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

1. Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
2. Subsection (c) shall be sentenced up to a maximum term of life imprisonment.

**E. DEFINITION.** As used in this section, the term forcible compulsion includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eft. in 6 months; Act 1995 Special Session-10 (S.B. 2}, PL. 985, 6, approved Mar 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B. 976}, PL. 1350, 2, approved*

*Dec. 9, 2002, eft. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eft. in 60 days.*

### **3124.1. Sexual assault.**

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainants consent.

*Act 1995 Special Session-10 (S.B. 2}, PL. 985, 8, approved Mar 31, 1995, See section of this act for effective date information.*

### **3124.2. Institutional Sexual Assault.**

**A. GENERAL RULE.** Except as provided under subsection (a.1) and in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

#### **A. 1. INSTITUTIONAL SEXUAL AS-**

**SAULT OF A MINOR.** A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, state or county juvenile detention facility, other licensed residential facility serving children and youth or a mental health or a mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident who is under 18 years of age.

#### **A. 2. SCHOOLS.**

1. Except as provided in sections 3121,

3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

2. As used in this subsection, the following terms shall have the meanings given to them in this paragraph:

- a. Direct contact. Care, supervision, guidance, or control.
- b. Employee. (A) Includes:
  - i. A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice-principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.
  - ii. An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

B. The term does not include:

1. A student employed at the school.
2. An independent contractor or any employee of an independent contractor who has no direct contact with school students.
3. School. A public or private school, intermediate unit, or area vocational-technical school.
4. Volunteer. The term does not include a school student.

(a.3) CHILD CARE. Except as provided in sections 3121,3122.1,3123,3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.

**C. DEFINITIONS.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

**Agent.** A person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution, who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

**Center for children.** Includes a child day-care center, group and family day-care home, boarding home for children, a center providing early intervention and drug and alcohol services for children or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, State or county juvenile detention facility and other licensed residential facility serving children and youth.

*Act 1998-157 (H.B. 689), PL. 1240, 1, approved Dec. 21, 1998, eff. in 60 days; Act 2000-12 (S.B.1047), PL. 38, 1, approved May 10, 2000, eff. immediately; Act 2011-111 (S.B. 1183), 1, approved Dec. 20, 2011, eff. in 60 days.*

### 3125. Aggravated Indecent Assault.

**A. OFFENSES DEFINED.** Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals

or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

1. the person does so without the complainants consent.
2. the person does so by forcible compulsion.
3. the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
4. the complainant is unconscious, or the person knows that the complainant is unaware that the penetration is occurring.
5. the person has substantially impaired the complainants' 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.
6. the complainant suffers from a mental disability which renders him or her incapable of consent.
7. the complainant is less than 13 years of age; or
8. the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**B. AGGRAVATED INDECENT ASSAULT OF A CHILD.** A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

### C. GRADING AND SENTENCES.

1. An offense under subsection (a) is a felony of the second degree.
2. An offense under subsection (b) is a felony of the first degree.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1973-117 (S.B. 513), PL. 341, 1, approved Nov. 28, 1973, eff. in 60 days; Act 1990-4 (H.B. 1120), PL. 6, 5, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10*

*(S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL. 1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.*

### 3126. Indecent Assault.

**A. OFFENSE DEFINED.** A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

1. the person does so without the complainants consent.
2. the person does so by forcible compulsion.
3. the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
4. the complainant is unconscious, or the person knows that the complainant is unaware that the indecent contact is occurring.
5. the person has substantially impaired the complainants' 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;
6. the complainant suffers from a mental disability which renders the complainant incapable of consent.
7. the complainant is less than 13 years of age; or
8. the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

**B. GRADING.** Indecent assault shall be graded as follows:

1. An offense under subsection (a) (1) or (8) is a misdemeanor of the second degree.

2. An offense under subsection (a)(2), (3), (4), (5) or (6) is a misdemeanor of the first degree. (3) An offense under subsection (a)(7) is a misdemeanor of the first degree unless any of the following apply, in which case it is a felony of the third degree:

- i. It is a second or subsequent offense.
- ii. There has been a course of conduct of indecent assault by the person.
- iii. The indecent assault was committed by touching the complainant's sexual or intimate parts with sexual or intimate parts of the person.
- iv. The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B. 580), PL. 120, 1, approved May 18, 1976, eff. in 30 days; Act 1990-4 (H.B. 1120), PL. 6, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2005-76 (H.B.1400), PL. 412, 1, approved Nov. 23, 2005, eff. In 60 days.*

### 3127. Indecent Exposure.

**A. OFFENSE DEFINED.** A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

**B. GRADING.** If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information.*

### 3129. Sexual Intercourse with Animal.

A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

*Act 1999-8 (H.B. 124), PL. 67, 1, approved June 18, 1999, eff. in 60 days.*

### 3130. Conduct Relating to Sex Offenders. [Effective until December 20, 2012]

**A. OFFENSE DEFINED.** A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offenders probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. 9795.2 (relating to registration procedures and applicability), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offenders probation or parole or the requirements of 42 Pa.C.S. 9795.2:

1. D. Withholds information from or does not notify the law enforcement agent or agency about the sex offenders' noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. 9795.2 or, if known, the sex offenders whereabouts;
2. E. harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
3. F. conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
4. G. provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

**B. DEFINITION.** As used in this section, the term sex offender means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. 9795.1 (relating to registration).

*Act 2006-178 (S.B. 944), PL. 1567, 1, approved Nov. 29, 2006, eff. Jan. 1, 2007.*

### 3130. Conduct Relating to Sex Offenders [Effective December 20, 2012]

**A. OFFENSE DEFINED.** A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offenders probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offenders probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subch. H:

1. withholds information from or does not notify the law enforcement agent or agency about the sex offenders' noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. Ch. 97 Subch. H or, if known, the sex offenders whereabouts;
2. harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
3. conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
4. provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

**B. DEFINITION.** As used in this section, the term sex offender means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H. *Act 2006-178 (S.B. 944), PL. 1567, 1, approved Nov. 29, 2006, eff. Jan. 1, 2007; Act 2011-111 (S.B. 1183), 1, approved Dec. 20, 2011, eff. in 1 year.*



## SUBCHAPTER C. LOSS OF PROPERTY RIGHTS

- 3141. General rule.  
[Effective until December 20, 2012]
- 3142. Process and seizure.
- 3143. Custody of property.
- 3144. Disposal of property.

### 3141. General rule. [Effective until December 20, 2012]

A person:

1. convicted under section 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault), 3125 (relating to aggravated indecent assault) or 3126 (relating to indecent assault); or (2) required to register with the Pennsylvania State Police under 42 Pa.C.S. 9795.2 (relating to registration procedures and applicability); may be required to forfeit property rights in any property or assets used to implement or facilitate commission of the crime or crimes of which the person has been convicted. Such property may include, but is not limited to, a computer or computers, telephone equipment, firearms, licit or illicit prescription drugs or controlled substances, a motor vehicle or such other property or assets as determined by the court of common pleas to have facilitated the persons criminal misconduct.

*Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eft. Jan. 1, 2007.*

### 3142. Process and Seizure.

- A. **SEIZURE.** Property subject to forfeiture under this section may be seized by law enforcement authority upon process issued by the court of common pleas having jurisdiction over the person or property
- B. **SEIZURE WITHOUT PROCESS.** Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant and there is probable cause to believe that the property was or is material to the charges for which the arrest or search warrant was issued. In seizures without process, proceedings for the issuance thereof shall be instituted immediately.

**C. RETURN OF PROPERTY.** Property belonging to someone other than the convicted sex offender or registrant shall be returned if the offense was committed without the knowledge or consent of the owner.

*Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eft. Jan. 1, 2007.*

### 3143. Custody of Property.

Property taken or detained under this subchapter is deemed to be the property of the law enforcement authority having custody thereof and is subject only to the court of common pleas having jurisdiction over the criminal or forfeiture proceedings, the district attorney in the matter or the Attorney General.

*Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eft. Jan. 1, 2007.*

### 3144. Disposal of Property.

Property taken or detained pursuant to the provisions of this subchapter shall be sold in the manner of property forfeited under 42 Pa.C.S. Ch. 68 (relating to forfeitures). The net proceeds, as determined by the law enforcement authority having custody thereof, shall be utilized for investigation or prosecution of sexual offenses or donated to nonprofit charitable institutions which provide counseling and other assistance to victims of sexual offenses.

*Act 2006-178 (S.B. 944), PL. 1567, 2, approved Nov. 29, 2006, eft. Jan. 1, 2007.*

## Domestic violence is defined in Pennsylvania criminal statutes as:

### 2711. Probable Cause Arrests in Domestic Violence Cases.

- A. **GENERAL RULE.** A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant

has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a) (3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term family or household member has the meaning given that term in 23 Pa.C.S. 6102 (relating to definitions).

**B. SEIZURE OF WEAPONS.** The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

### C. BAIL.

1. A defendant arrested pursuant to this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case shall the arresting officer release the defendant from custody rather than taking the defendant before the issuing authority.
2. In determining whether to admit the defendant to bail, the issuing authority shall consider whether the defendant poses a threat of danger to the victim. If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant shall refrain from entering the residence or household of the victim and the victims place of employment and shall refrain from committing any further criminal conduct against the victim and shall so notify the defendant thereof at the time the defendant is admitted to bail. Such condition shall expire at the time of the preliminary hearing or upon the entry or the denial of the protection of abuse order by the court, whichever occurs first. A violation of this condition may be punishable by the revocation of any form of pretrial release or the forfeiture of bail and the issuance of a bench warrant for the defendants arrest or remanding him to custody or a modification of the

terms of the bail. The defendant shall be provided a hearing on this matter.

#### D. NOTICE OF RIGHTS.

1. Upon responding to a domestic violence case, the police officer shall, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. Said notice shall include the following statement: If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:
2. An order restraining the abuser from further acts of abuse.
3. An order directing the abuser to leave your household.
4. An order preventing the abuser from entering your residence, school, business, or place of employment.
5. An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
6. An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

*Act 1986-10 (H.B. 350), PL. 27, 1, approved Feb. 15, 1986, eff. in 60 days; Act 1990-206 (H.B.1023), PL. 1240, 3, approved Dec. 19, 1990, eff. in 90 days; Act 2000-101 (S.B. 1444), PL. 728, 1, approved Dec. 20, 2000, eff. in 60 days; Act 2002-218 (S.B. 1515), PL. 1759, 3, approved Dec. 9, 2002, eff. in 60 days.*

#### Title 23 – Domestic Relations – Definitions

A. **GENERAL RULE.** The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Abuse.”** The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape,

involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

2. Placing another in reasonable fear of imminent serious bodily injury.
3. The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
4. Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

**“Adult.”** An individual who is 18 years of age or older.

**“Certified copy.”** A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

**“Comparable court.”** A foreign court that: (1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and (2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

**“Confidential communications.”** All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship.

The term also includes communications made by or to a linguistic interpreter assisting the

victim, counselor, or advocate in the course of the relationship. **“Domestic violence counselor/advocate.”** An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

**“Domestic violence program.”** A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

**“Family or household members.”** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

**“Firearm.”** Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

**“Foreign protection order.”** A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession, or commonwealth of the United States.

**“Hearing officer.”** A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

**“Master for emergency relief.”** A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

**“Minor.”** An individual who is not an adult.

**“Other weapon.”** Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

**“Safekeeping permit.”** A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon, or ammunition

that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

**“Secure visitation facility.”** A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

**“Sheriff.”**

1. Except as provided in paragraph
2. the sheriff of the county.
3. In a city of the first class, the chief or head of the police department.

**“Victim.”** A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling, or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

**“Weapon.”** Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

**(b) Other terms.** Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offenses). (*Oct. 6, 1994, PL.574, No.85, eff. 60 days; Mar. 31, 1995, 1st Sp.Sess., PL.985, No.10, eff. 60 days; June 22, 2001, PL.576, No.39, eff. 60 days; Nov. 30, 2004, PL.1618, No.207, eff. 60 days; Nov. 10, 2005, PL.335, No.66, eff. 180 days; Oct. 9, 2008, PL.1352, No.98, eff. 60 days*)

**Dating violence is defined in Pennsylvania criminal statutes as:**

No separate state statute is provided in Pennsylvania criminal law for Dating Violence. Covered under Title 23 - Domestic Relations  
**Stalking is defined in Pennsylvania criminal statutes as:**

**PA CRIMES CODE**

**A. OFFENSE DEFINED.** A person commits the crime of stalking when the 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.

**B. VENUE**

1. An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.
2. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

**C. GRADING**

1. Except as otherwise provided for in paragraph (2), a first offense under this section shall constitute a misdemeanor of the first degree. (2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. 6108 (relating to relief) shall constitute a felony of the third degree.

**D. FALSE REPORTS.**

1. A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

**E. APPLICATION OF SECTION.** This section shall not apply to conduct by a party to a labor dispute as defined in the act of June 2, 1937 (PL.1198, No. 308), known as the Labor Anti-Injunction Act, or to any constitutionally protected activity.

**F. DEFINITIONS.** As used in this section, the following words and phrases shall have the meanings given to them in this subsection: Communicates. To convey a message without intent of legitimate communication or address by oral, nonverbal, written, or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication, or similar transmission. Course of conduct. A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening, or obscene words, language, drawings, caricatures, or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

**G. EMOTIONAL DISTRESS.** A temporary or permanent state of mental anguish. Family or household member. Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

*Act 2002-218 (S.B. 1515), PL. 1759, 2, approved Dec. 9, 2002, eff. in 60 days.*

► **Additional information can be obtained on the West Chester University main campus 2020 Annual Security and Fire Safety Report. The information can be obtained at the following website: <https://www.wcu-pa.edu/dps/documents/clery20.pdf>**





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