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2024 ANNUAL

CAMPUS SECURITY AND FIRE SAFETY REPORT

PHILADELPHIA CENTER

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THE PHILADELPHIA CENTER

The Philadelphia location of West Chester University consists of a suite of offices and a suite classrooms on the Concourse Level of the Lits Building located at 701 Market St. Philadelphia, PA 19106.

Safety on all campuses of higher education is a source of concern for parents, students, and employees. No campus is entirely isolated from crime. The Philadelphia location of West Chester University is no exception. Staff at this location in conjunction with the Department of Public Safety develop policies and implements procedures, with Lits Building management, to increase safety and security awareness as well as precautionary measures for all campus community members. This publication is intended to provide an overview of those safety and security measures.

As a recipient of federal Title IV Student Financial Aid, West Chester University and, by extension, the Philadelphia location of West Chester University adhere to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the Clery Act. A critical provision of the Clery Act requires postsecondary institutions receiving federal Title IV financial aid to publish an Annual Security Report (ASR) disclosing campus security policies and the most recent three years' crime statistics. This report is prepared by West Chester University and made available to the Philadelphia Center location community of West Chester University community and others.

This publication is distributed under 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 (with amendments) and The Accuracy in Campus Crime Reporting Act of 1997.

PREPARATION OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT

West Chester University prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located at [the WCU Public Safety Website](#). This report is prepared in cooperation with local law enforcement specifically, the Philadelphia Police Department, 6th Police District, and these campus offices: Center for Women and Gender Equity, Department of Counseling and Psychological Services, Department of Public Safety, Department of Environmental Health and Safety, Department of Athletics, Office of Student Conduct, Office of Fraternity and Sorority Life, Office of Student Leadership and Involvement, Office of Human Resource Services, Office of the Title IX Coordinator, and Office of Institutional Research.

Each entity provides updated information on its educational efforts and programs to comply with the Act. Statistics for campus crime, arrests, and referrals include those reported to the West Chester University Police, Campus Security Authorities, and local law enforcement agencies.

The Department of Counseling and Psychological Services staff informs their clients of the procedures to report a crime to the University's Department of Public Safety on a voluntary or confidential basis, should they feel it is in the client's best interest. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

All the statistics gathered, compiled, and reported to the University are communicated to the community via this report. The Department of Public Safety also submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. The enrollment statistics in this report are current as of Fall 2023, therefore they are a snapshot of the previous calendar for which the University provided statistics.

The Policies contained within the Annual Security Report are current as of the publication of this ASR.

Each year, an e-mail notification that provides the direct website link to access this report is sent to all enrolled students and all current employees by October 1st. Copies of the report may also be obtained at the West Chester University Police Department located within the Peoples Building at 690 South Church Street or by calling (610) 436-3311. All prospective students and employees receive notification of the availability of the report and how to obtain them during the application process.

POLICY ON POSSESSION OF WEAPONS AT THE PHILADELPHIA LOCATION.

The use, possession, or transportation of fireworks, knives, a paintball, Airsoft or BB gun, explosives, and any other weapon are prohibited on the campus and in any building of West Chester University including the Philadelphia location. Also prohibited is the use, possession, or transportation of any item designed or used in such a way as to inflict bodily harm or physical damage.

The University prohibits the *unlawful use*, possession, or transportation of a firearm or firearm ammunition.

POLICE ENFORCEMENT AUTHORITY AND JURISDICTION AT THE PHILADELPHIA CENTER.

The West Chester University Department of Public Safety does **not** provide campus security for its Philadelphia Center. Security of the Lits Building, in which the Philadelphia Center is located on the Concourse Level, is provided by Allied Universal, a private building security firm. The Philadelphia Police Department, 6th Police District, provides police services for the Philadelphia Center. Emergencies should be reported to 911 first and building security second.

SECURITY AGENCY AUTHORITY

Security officers are not police officers but are responsible for providing security for the Philadelphia Center. Security Officers are contracted to operate on University-owned or controlled property and document violations of Philadelphia Center policy as well as contact local law enforcement agencies to report observed violations of federal laws and state laws. Those employees of Allied Security whose duty is dedicated to the suite of classrooms that make up the Philadelphia Center are designated Campus Security Authorities by the Department of Public Safety.

POLICY ON REPORTING OF CRIME

The Department of Public Safety strongly encourages all faculty, staff, students, and guests of the Philadelphia Center to promptly report any illegal or suspicious activity to building security or the Philadelphia Police Department. Requests are submitted to the Philadelphia Police Department to provide crime statistics for inclusion in the Annual Security Report for the Philadelphia Center.

Any criminal situation or incident that involves a significant emergency or dangerous situation, should be reported to the Philadelphia Police Department (911 or 215-686-TIPS) and reported to Joseph Santivasci, Sr. Associate Vice President of Financial Aid and Campuses (610-436-3376) for an assessment of whether a timely warning or emergency notification should be sent out to the Philadelphia Center community as well as for purposes of including them in the annual statistical disclosure.

The campus community should report criminal activity, fires, or medical emergencies at 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.

The Philadelphia Police Department will investigate a report when it is deemed appropriate. 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 organizations in Philadelphia will be contacted and offer the victim a wide variety of services.



SOME EMERGENCY NUMBERS & AGENCIES TO REMEMBER WHEN REPORTING CRIME

PHILADELPHIA POLICE HEADQUARTERS:

400 N Broad St, Philadelphia, PA
Tips call: 215-686-TIPS or text PPD TIP Emergencies
call: 911 Non-emergencies call: 311

PHILADELPHIA 6TH POLICE DISTRICT

6th District 400 N Broad St, Philadelphia, PA
215-686-3080 Emergencies call: 911

LITS BUILDING SECURITY (REPORTS CRIMES TO PHILADELPHIA POLICE):

Allied Universal Security Department 701 Market
Street West lobby entrance Philadelphia, PA 19106
215-238-9777 • 215-238-9306

REPORTING TO CAMPUS SECURITY AUTHORITIES

The University prefers that community members promptly report all crimes and other emergencies directly to Philadelphia Police at 215-686-8477 or by calling 911. However, the University also recognizes and acknowledges some may prefer to report to other individuals or University offices. The Jeanne Clery Act recognizes certain University officials as Campus Security Authorities (CSAs).

CAMPUS SECURITY AUTHORITIES AT THE PHILADELPHIA

Campus Security Authorities (CSAs) are an integral part of the safety and security of the Philadelphia Center as well as West Chester University's continued compliance with the Clery Act. The CSA definition in the Clery Act is extensive consisting of multiple parts. CSAs at Philadelphia Center fit the fourth definition of CSAs under the act, specifically, "an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings." These individuals are identified within the reporting structure of the institution as a person to whom crimes and be reported in addition to the agencies listed above. Based upon the function of their position and their interaction with students at the Philadelphia Center the following individuals are designated as Campus Security Authorities: Joseph Santivasci, Keeya Faison, Lisa Norton-Orensky, Benjamin Morgan.

When these individuals become aware of a crime that occurred on or around campus, they have an obligation under federal law to report the information to the Philadelphia Police Department, the Office of Diversity Equity and Inclusion, or the Clery Compliance Manager. CSAs play a key role in ensuring the safety of the Philadelphia Center community by delivering information to the necessary

offices, which in turn helps to ensure that the campus remains informed and that individuals have access to the support and resources they deserve.

CSAs do not need to investigate a crime but simply need to report information in an accurate and timely manner. West Chester University has a responsibility to notify the campus community about crimes that pose a serious or ongoing threat to the community.

Allied Universal security staff at the Lits Building are considered CSAs because they are Individuals responsible for campus security in some capacity but not members of a campus police/security department. Allied Security is responsible for monitoring the entrance to the suite of classrooms at the Philadelphia location.

REPORTS MADE TO PASTORAL PROFESSIONAL COUNSELORS

The Clery Act exempts individuals working at West Chester University as pastoral or professional counselors from reporting crimes to law enforcement. When acting in either of these positions, Pastoral and Professional Counselors are not considered 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, 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.

The definitions of pastoral counselor and professional counselor are below:

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.

Reports of criminal activity reported to the campus security authorities and local law enforcement are required to be reported annually and, as such, are brought to the attention of the Department of Public Safety either by the victims or by the person receiving the report.

CONFIDENTIAL REPORTING

Q: *Can my report be confidential?*

A. If you are the victim of a crime yet do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. You can call the campus crime tip line at 610-436-3100. The City of Philadelphia offers a confidential reporting form at [Tip Form](#). You can also contact 215.686.TIPS (8477) or email at tips@phillypolice.com.

As a student at West Chester University, a Department of Public Safety officer can file a report of the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of reported sexual violence and other violations that may be sex- or gender-based). The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to enhance the future safety of yourself and others. With such information, West Chester University can keep an accurate record of the number of incidents involving students, employees, and visitors to determine where there is a pattern of crime regarding a particular location, method, or assailant and to alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Even if a student is a victim of a crime but does not wish to pursue criminal or student conduct violations, they are still encouraged to contact the Department of Public Safety to file a confidential report. For sexual misconduct incidents, the Title IX office can be contacted to submit a report without notifying law enforcement.

However, the Department of Public Safety encourages accurate and prompt reporting of all crimes to the Philadelphia Police Department, including when the victim elects to or is unable to, make such a report. Doing so helps the Department accurately report crime statistics, determine whether crime patterns are present, and better protect the campus community from future criminal acts.

DAILY CRIME LOG

WCU's Philadelphia Center does not have a campus police or security department; as a result, the Philadelphia location is not required to maintain a Daily Crime Log. Security for the Philadelphia Center is covered by a contract between the owners of the Lits Building and a private security company.

TIMELY WARNING NOTIFICATIONS AND EMERGENCY NOTIFICATIONS

Certain crimes under the Clery Act may call for the issuing of a Timely Warning distributed to the campus community. An institution must alert the campus community to certain crimes in a timely manner the goal of which is the prevention of similar crimes.

Although the Clery Act does not define "timely", the intent of a warning regarding the criminal incident(s) is to enable people to protect themselves. This means a warning should be issued as soon as pertinent information is available. Timely Warnings and Emergency Notifications are sent out by the Clery Compliance Officer, or, in their absence a person authorized to send such warnings.

A campus-wide "Timely Warning" will be issued WHEN:

- A Clery Act crime is reported to any Campus Security Authority (CSA) or local police agency
- occurs on or within the University's Clery geography. *Clery geography is defined as the core campus boundaries including university-owned or controlled property on campus, public property that is within or immediately adjacent to the campus, and in Clery defined non-campus properties AND*
- represents a serious or continuing threat to students and employees

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 West Chester University 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 of information known by the Director of Public Safety/ 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). *The name or names of victims of Sexual Assault are not published in a Timely Warning Notice.*
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Director of Public Safety or his/ her designee in his/her absence.

Q: *How is the Clery Compliance Officer notified of an event that may require a Timely Warning or Emergency Notification at the Philadelphia Center?*

There are several ways to assess whether a Timely Warning Notice should be issued. One way is after the security officer assigned to the Philadelphia Center suite at the Lits Building receives information regarding a potential emergency the officer will contact the CCO. Another way is for the on-site administrator (the Associate Vice President for Financial Aid and Campuses) or the Operations Manager to contact the CCO with information regarding an emergency. Once pertinent information is received a decision will be made whether to issue or not issue a Timely Warning or Emergency Notification

Q: *How is the decision made to issue a Timely Warning?*

A. The responsibility for Timely Warning notices is shared between the Clery Compliance Officer (CCO) and the Senior Associate Vice President for Financial Aid and Campuses (who is the on-site administrator at the Philadelphia Location) in

consultation with staff Public Safety administration. The CCO will determine the need for a Timely Warning after consultation with the Director of Public Safety and the on-site administrator of the Philadelphia Location.

The CCO will draft a Timely Warning which will then be reviewed by the Senior Associate VP and senior police administration. Once the review is complete the CCO will send out the Timely Warning to the Philadelphia Center. At a minimum, the Timely Warning will be sent as an email, or text message and be posted on the Public Safety website.

If a crime occurs outside of the campus Clery geography but is close to the campus, Philadelphia Police may contact Allied Universal or Philadelphia Center staff informing them of the occurrence of the crime.

Given the Philadelphia Center's location in a large city, both Department of Public Safety staff and Philadelphia Center staff may hear about incidents near campus from news sources and not from the police. In that instance, staff from Public Safety and staff from the Philadelphia Center will work together to determine if a Timely Warning would need to be sent using the same timely warning analysis set out above.

UNIVERSITY OBLIGATIONS REGARDING TIMELY WARNINGS AND SEXUAL ASSAULTS

Parties reporting Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking should be aware that under the Clery Act, the University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the campus community. If a report of sexual misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the Complainant. West Chester University will ensure that a victim's name and other identifying information are not disclosed when such warnings are issued, while still providing enough information for community members to make safety decisions for themselves.

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 to aid in the prevention of similar occurrences. Timely Warning Notices will be issued to the campus community via email blast to all WCU-assigned email accounts. Timely Warnings relating only to Philadelphia Center will be sent only to those students enrolled at the Philadelphia Center.

Institutions are not required to issue a Timely Warning concerning crimes reported to a pastoral or professional counselor.

Within the Omnilert system notifications can be sent to specific groups. So, for notifications meant only for the Philadelphia location community, the sender can select the group and the send a message directly.



EMERGENCY RESPONSE COMMUNICATIONS



West Chester University automatically enrolls all students

in a text messaging subscription (WCU ALERT) whereby all students, regardless of campus receive notification of major emergencies and timely warnings/ Employees are automatically enrolled. Students and employees (faculty and staff) are able to opt out of receiving messages by logging into Omnilert (the platform powering WCUALERT) and changing their preferences (add/remove phone or email).

WCU ALERT sends direct text messages of WCU announcements including on-campus emergencies, inclement weather cancellations, delayed openings, university closings and periodic test messages. It is a free service to students, faculty, and staff (standard text messaging rates may apply). Parents and guardians may receive WCU Alert messages after being added to an existing student WCU Alert account.

WCU ALERT is one of many emergency communication components at West Chester University. In an emergency, West Chester University will communicate key information as quickly and to as many people as possible. Emergency communication components include the WCU Homepage (primary source), mass emails, digital signage, text messages via WCU Alert, and the external notification system www.wcupa.edu/wcualert.

EMERGENCY NOTIFICATION PROTOCOL SUMMARY

Emergency notification is defined differently than a Timely Warning Notification. Emergency Notifications are issued in response to a “significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.” As with Timely Warnings, if an Emergency Notification applies only to the Philadelphia Campus, the Notification will only be sent to members of the Philadelphia Center location community.

While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the types of incidents that may cause an immediate threat to the community (and therefore require an emergency notification) could include, but are not limited to

- armed/ hostile intruder
- bomb/explosives
- communicable disease outbreak
- terrorist incident
- civil unrest
- natural disaster
- hazardous materials incident and structural fire

Consistent with the requirements under the Clery Act the Clery Compliance Officer will send either a Timely Warning Notification or an Emergency Notification to the Philadelphia Center community using the Omnilert System which powers WCU Alert. Notifications can be issued by anyone authorized to use the Omnilert System, thus, a person other than the Clery Compliance Officer can and should (if the circumstances present themselves) send out the emergency notification. When emergencies occur at the Philadelphia Center the Department of Public Safety and University Communications and Marketing will collaborate with to determine the content of the message. Wording, phrasing, and descriptions will be worked on to ensure clarity and accuracy.

Timely Warnings and Emergency Notifications may be issued by some or all the following methods depending on the type of emergency, the University Alert System (which contains the following types of communication: text messaging, email blasts, WCU webpage, digital signage, television monitors, social media, external speaker broadcasts, and in-person notifications. Should any of these systems fail or the University deems it appropriate, in-person communication may be used to communicate an emergency. Regarding emergency notifications, an approved statement will be sent to news assignment desks in the Philadelphia area, including 6ABC Action News, PHL17, CBS3 Eyewitness News, NBC10, and FOX 29.

EMERGENCY PROCEDURES AT THE LITS BUILDING

The Philadelphia location of West Chester University is a tenant in the Lits Building and follows the procedures set out in the Life Safety Operations Manual produced by Brickstone Realty, the building management firm at the Lits Building.

Each tenant at the Philadelphia Center, including the Philadelphia Center, has an Emergency Tenant Coordinator (ETC). Those individuals attend Life Safety Emergency Training on an annual basis. Those individuals then return to their respective areas and conduct a training session with their Emergency Team Members.

ACTIONS TO BE TAKEN DURING EMERGENCIES AT THE LITS BUILDING

The ETC will be responsible for communicating this information to the staff, faculty and students of the Philadelphia Center.

COMMUNICATION WITH LITS BUILDING TENANTS

In the event of an emergency, building security within the Lits Building will use Building Fire/ Life Safety Enunciator System. The building FLS enunciator system provides one-way communication from the building fire command center to all building areas including elevators and stair towers.

FIRE EVACUATION DRILLS

Fire drills in the Lits Building are facilitated by building management and usually occur on weekday mornings when the building is occupied. Faculty, staff, and students should follow the procedures set forth by Lits Building management.

If an actual fire or hazardous condition occurs in your area, you should:

1. Activate the closest fire alarm Pull Station even though an alarm may have already been activated. (This will help to confirm the alarm). Call your respective building emergency phone number and advise them of the situation (if time permits).
2. When an actual emergency occurs, that would necessitate an evacuation, the ETC for each tenant has the authority to give the command to evacuate, as deemed necessary, when Building Management, Security, the Fire Department or other designate cannot physically be on that floor or is not present. The ETC directs the ETM's to start evacuating their assigned areas. Once the evacuation has started, personnel are to be directed to the nearest stairwell and proceed to the respective assembly area. Personnel on the Concourse level and First Floor should always evacuate when an alarm is activated.
3. Close all doors that will help contain the fire.
4. Assist persons with disabilities to the first landing of the fire tower stairwell if it would be unsafe or dangerous to wait for Fire Department assistance.
5. Immediately contact your building emergency phone number or 911 if someone needs immediate medical assistance

If an actual fire or hazardous condition occurs that is not in your immediate area and there is no imminent danger you should:

1. ETC's for each tenant should direct the ETM's and personnel that they are responsible for to the closest fire tower.
2. ETC's on floors 1, concourse, and sub-basement will direct their personnel to the designated evacuation points outside the building.
3. Enter the fire tower and await further instructions from security personnel and/or building engineers.
4. Assistants should circulate throughout your office space (especially storerooms, restrooms or inner office areas) making certain that your fellow employees are participating in a fire drill or are aware of a fire emergency. After each room or inner office area is investigated, shut the door(s) behind you and join your fellow employees at the Fire Tower door.
5. If you are assigned to assist a physically challenged person, follow your fellow employees with that person and line up at the end of the line. You are to remain with the person until the fire drill or fire emergency is over.
6. Be prepared to immediately activate the Emergency Evacuation Plan, when or if instructed.
7. Listen and pay close attention to all announcements sounding over the fire/life safety system.
8. For tenants on floors 2 thru 7: Do not evacuate unless circumstances dictate otherwise or until instructed to do so as not to unnecessarily clog stairwells.
9. For tenants on floors 1, the concourse, and the sub-basement: Evacuation is mandatory for all alarm activations.
10. Immediately contact your building emergency phone number or 911 if someone needs medical assistance.

FULL BUILDING EVACUATION RECOMMENDED ASSEMBLY AREA

Evacuations are facilitated by Lits Building management and are communicated to building tenants.

In the event that the local authorities determine The Lits Building must perform a full building evacuation, a remote area has been identified as a suitable assembly point for the buildings' tenants.

THE LOCATION IS FRANKLIN SQUARE LOCATED AT 7TH AND RACE STREET.

This area is accessible utilizing any of the building main exits or stair tower exits by proceeding to 7th Street and continuing north toward Arch St. for approximately two blocks until arriving at the entrance to the park.

Upon arrival, activate your identified recovery plan and await further instructions from building personnel or local authorities.

ASSEMBLY AREA INSTRUCTIONS

Upon arrival to the designated assembly area, the Disaster Recovery Plan may go into effect. At this point, a communications liaison will be established. The liaison will communicate updated information, as it becomes available, regarding incident status, return to work, etc.

GENERAL ASSEMBLY AREA – RECOMMENDED PRACTICES

As there will be voluminous amounts of people from all buildings arriving at the assembly area the following recommendations should be considered to ensure personnel accountability:

Select a pre-designated location at the assembly area for your group where everyone is to meet.

Consider making a sign with the department name and/or AIM NUMBER that can be attached to a pole or similar type of device that can be held up in the air at the assembly area location so that it is visible to assembled or arriving personnel.

TENANT ASSEMBLY AREA – RECOMMENDED PRACTICES

As there are third-party tenants within The Lits Building facilities that have an assembly area, other than the designated building assembly area, the following recommendations should be considered:

After proceeding to your respective assembly area, account for your personnel and complete the required tasks. After completing your assembly area tasks, proceed to The Lits Building assembly area in order that you may then be included in the updates regarding incident status, building re-entry, etc.

SHELTER IN PLACE AT THE LITS BUILDING

If an evacuation cannot take place the Life Safety Handbook's Shelter in-Place Plan will be put into place.

The Philadelphia Fire Code requires various buildings to develop a plan to shelter occupants inside the building in the event of a hazardous material, biological or other emergency outside the building. The purpose of the shelter in-place plan is to safeguard the occupants during an emergency outside the building by preventing or limiting the infiltration of hazardous materials into the building by closing windows and doors, shutting down all air handling and HVAC systems, and moving occupants away from perimeter windows and doors to safer locations in the building. Where possible, these locations will be near restrooms.

SHELTER IN-PLACE LOCATIONS FOR BUILDING OCCUPANTS

The Lits Building is equipped with larger than usual common area corridors, which will serve as the shelter in-place locations for the building occupants.

Occupants are to exit their suites and stand by in the corridor areas outside their suites.

LOCATION CHARACTERISTICS

- Equipped with restrooms, water fountains, and vending areas.
- Reduced number of HVAC vents to limit possible exposure.
- Due to large floor plates, ample clearance from perimeter windows (non-operable)
- Access to core stair towers if authorities order evacuation.
- Fully equipped with FLSS speakers for audible announcement communication.

PROCEDURES

- Building management will make a building wide announcement when an external type emergency is occurring and the “shelter in-place” plan needs to be activated.
- The building engineer on duty will activate the “Code Purple” program shutting down all air handler and HVAC equipment.
- Security will recall and lock out all passenger elevators.
- All building occupants shall proceed to their designated “shelter in-place” location.
- Emergency Tenant Coordinators and identified alternates will assist with the relocation of disable personnel working within their area.
- Building occupants are to stand by at their designated location and await further updates on the situation from building management.
- The identified locations are equipped with restrooms and water fountains as the length of time for the emergency cannot be determined.
- The building is equipped with non-operable windows and perimeter doors equipped with automatic door closures so no designated personnel will be necessary to handle window and door tasks.
- Upon notice from the authorities, building management will make a building wide announcement either directing all occupants to return to their work stations should the building be safe for continued occupancy or to complete a building evacuation to allow the HVAC systems to remove any possible contaminants that may have infiltrated the building envelope.

Initial emergency communications will be sent immediately and will convey only the most critical information. Follow-up information and details will be carried on the University’s homepage, which will be updated as circumstances dictate.

POST EMERGENCY COMMUNICATION

Since the Philadelphia Center is in leased space in the Lits Building faculty, staff, and students at the Philadelphia can and should follow guidance by Lits Building management in the event of an emergency.

Consistent with the requirements of the Clery Act concerning the University will issue follow-up messages to convey the University’s

return to normal operations to all faculty, staff, and students via University-assigned email accounts, the West Chester University homepage, and text messages to WCU Alert subscribers. Details regarding the incident will be communicated on the University’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 West Chester University homepage.

ASSISTING THOSE EVACUATING WHO HAVE DISABILITIES

In the event of an extreme emergency, employees using wheelchairs, motorized scooters, crutches, etc., should consider alternative evacuation measures, including being picked-up and carried down the stairwell to a safer location and if necessary, out of the building.

When circumstances necessitate separating the user and the wheelchair, try to keep the period of separation to a minimum. Ensure sufficient help to carry both the user and the wheelchair/scooter is available to use this procedure.

When more than one flight of stairs is traversed, helpers may need to switch positions, since one person may be doing most of the lifting. Switch positions only on level landing areas. When the lifting is complete, follow the instructions of the wheelchair’s user and restore the manual or motorized wheelchair to full operation; then assist the user to a safe area.

In the event that an individual(s) with disabilities are evacuated by other means such as freight or passenger elevator, they will most likely will not be evacuated or taken to the designated corporate assembly area but will be assembled at a closer location, away from the danger, such as one of the other buildings. The decision as to what evacuation means will be utilized and where these occupants will be assembled will be made by the authorities (PFD/PPD) at the time of the event as circumstances may determine the decision

TRAINING AND TESTING PROCEDURES

Testing the procedures by which the campus is alerted to emergencies including Timely Warnings is critical for effective communication. On the first Thursday of every month, the Timely Warning and Emergency Notification systems are tested internally. A test message is sent to a group of individuals on campus who then report if the message has been received. On a wider scale, the campus emergency notifications systems are tested annually. For 2024 the campus-wide test will occur in mid-October.

SECURITY AND ACCESS TO CAMPUS FACILITIES

Q: What is the policy regarding access to University facilities and programs by students, employees, guests, and other individuals?

A: During normal business hours, the Philadelphia Center is open. Access is by University ID only or by the staff opening the front door to visitors. Thus, any student or employee of the Philadelphia Center MUST have their ID to access the Center. After these business hours and during breaks, these facilities are locked and only accessible to authorized individuals using a University ID. The staff of the Philadelphia Center can adjust the times at which the doors

are controlled by key cards only. Allied Universal Security conducts routine patrols of the buildings to evaluate and monitor security-related matters. Any incident requiring an investigation is reported immediately to the Philadelphia Police Department.

The University secures its campus in the Lits Building using the access card system. It is therefore, imperative staff, faculty and students carry their ID with them at all times to access the campus suite.

What type of student housing is available at the Philadelphia Center?

No residential facilities are provided at the Philadelphia location.

What is the Philadelphia policy on investigating missing students who reside in on-campus housing?

Because there are no residential facilities at the Philadelphia location there is not a missing student policy. Reports of missing students received by the Philadelphia Police Department will result in a police investigation as outlined by statute in 18 Pa. Section 2908(a) Missing Children and 42 U.S.C. 5779(a) Section 3701(a) Suzanne's Law.

What security considerations does the Philadelphia Center use in the maintenance of campus facilities, including landscaping, grounds-keeping and outdoor lighting?

Common areas used to access the Philadelphia Center on the Concourse Level are the responsibility of the Lits Building. Besides the contract for unarmed security personnel to provide general building security, maintenance is handled through contract services by the building owners.

CRIME PREVENTION AND SAFETY INFORMATION

West Chester University offers several crime prevention and security awareness programs for students and employees. A common theme of all programs is to encourage students and employees to be aware of their responsibility for their own. These programs are offered by request. As students prepare to come to West Chester and upon their arrival on campus the Office of Residence Life and Housing Assignments along with University Student Housing and The Department of Public Safety to provide information on personal safety and residence hall security. Programs include:

- **R.A.D. (Rape Aggression Defense).**

The R.A.D. Systems of Self-Defense offers defense education programs for men and women. Each of these programs includes educational components comprised of lecture, discussion, and physical resistive strategies, all of which are facilitated by certified R.A.D. Instructors. WCU R.A.D. Instructors can also provide 1-2 hour seminar presentations on personal safety and awareness for those who are interested in learning more about reducing their risk of victimization, but who may not be able to commit to the time required for a complete course. For more information about R.A.D. Systems self-defense education at WCU contact RAD@wcupa.edu.

- **Physical Defense Programs for Women**

The cornerstone of R.A.D. Systems programming, this system of realistic defense will provide the student with the knowledge to make an educated decision about resistance. R.A.D. Systems operate on the premise that a spontaneous violent attack will stimulate a natural desire to resist on the part of the victim (supported by research). This course will educate the student about Risk Reduction Strategies and the "Fight or Flight Syndrome," while showing them that enhancing their option of physical defense is not only prudent, but a necessity. Participants will learn about personal weapons, vulnerable locations postures in conflict, and the many options they have available to employ if engaged in an aggressive encounter. This program is a minimum of 10 hours of training and will be 12 hours with simulation.

- **ASD - Advanced Self Defense**

This system of defense builds upon techniques and strategies learned in the Basic Physical Defense class. This program covers more prone defense strategies and multiple subject encounters. Participants must have already completed the Basic Physical Defense course prior to taking Advanced Self-Defense.

- **Physical Defense Programs for Men**

Resisting Aggression is a choice. Students in this course are responsible for how they respond to any event in their life. You will be asked to raise your awareness of aggressive behavior, to recognize how aggressive behavior impacts your life, take steps to avoid aggressive behavior, and look at how you can be part of reducing aggression and violence. In a small number of incidents, physical confrontation may be unavoidable. Our program provides participants with realistic strategies when forced into a physical confrontation. Resisting Aggression with Defense is designed to empower faculty, staff, and students to make different decisions when confronted with aggressive behavior. This program is a minimum of 10 hours of training and will be 12 hours with simulation.

- **A.L.I.C.E.**

ALICE (Alert, Lockdown, Inform, Counter, Evacuate) is an options-based strategy to survive violent critical incidents. These incidents include persons with guns, knives, blunt objects, vehicles, or anything else that could be used as a weapon. Plans can fail so that is why West Chester University Police teach an options-based strategy. Instead of handing every person a cookie-cutter plan to shut off the lights and hide in a corner, ALICE offers each person choices to have at their disposal if the unthinkable occurs.

Because of the high importance of this training, WCUPD offers this training for **free** to anyone associated with West Chester University. If you would like to begin talks with an ALICE instructor about getting you or a group signed up for this potentially life-saving training, email ALICE@wcupa.edu and an instructor will be in contact.

Since its inception on campus WCU A.L.I.C.E. instructors have provided training to nearly 1000 members of the campus community in various departments and divisions.

WCU SAFE APP



WCU Safe is the official safety app of West Chester University. It is the only app that integrates with WCU's safety and security systems. The Department of Public Safety has worked to develop a unique app that provides students, faculty, and staff with added safety on the WCU campus. The app will send you important safety alerts and provide instant access to campus safety resources. For the Philadelphia Center, the app is geo-fenced to include the entirety of the Lits Building and an area 900 feet from the boundary of the building.

FEATURES OF WCU SAFE APP

- **Emergency Contacts:** Contact the correct services for the WCU area in case of an emergency or a non-emergency concern.
- **Virtual Walk Home:** Allow Campus Security to monitor a user's walk. If a user feels unsafe when walking on campus, they can request a Virtual Walk Home and a dispatcher on the other end will monitor their journey until they reach their destination.
- **Public Safety Escort:** This walking escort service is provided to students, faculty, and staff from one on-campus location to another.
- **Friend Walk:** Send your location to a friend through email or SMS on your device. Once the friend accepts the Friend Walk request, the user picks their destination and their friend tracks their location in real-time; they can keep an eye on them to make sure they make it safely to their destination.
- **Emergency Plans:** Campus emergency documentation that can prepare you for disasters or emergencies. This can be accessed even when users aren't connected to Wi-Fi or cellular data.
- **Panic Button / Mobile Bluelight:** Send your location to WCU security in real-time in case of a crisis.
- **Support Resources:** Access support resources in one convenient app to enjoy a successful experience at WCU.
- **Safety Notifications:** Receive instant notifications and instructions from WCU safety when on-campus emergencies occur.]

EMPLOYEES AND STUDENTS WITH CRIMINAL RECORDS

As part of the pre-employment process, Human Resources conducts 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.

The West Chester University policy is available online at the following website: [Background Clearances and Reporting Requirements](#)

STUDENTS WITH PRIOR DISCIPLINARY HISTORY

West Chester University of Pennsylvania has determined that all applicants for admissions or individuals intending to take classes non-degree must disclose information regarding any current disciplinary proceeding, disciplinary suspension, or dismissal imposed by other higher education institutions. The university will not necessarily deny admission to the university in general or a particular academic program or to housing because of a disciplinary issue. Determinations by the Discipline Review Committee as to the imposition of conditions will be based upon the nature and severity of the offense(s); the period that has elapsed between the incident(s); the completion of discipline, if applicable; whether the applicant has additional incidents of misconduct; and the extent to which the conduct would be relevant to the student's participation in the University community.



MEGAN'S LAW INFORMATION AND CRIMINAL RECORDS

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. The Act 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 living in the West Chester area is available at: www.pameganslaw.state.pa.us/

2023 WEST CHESTER UNIVERSITY CAMPUS ANNUAL DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act mandates the way crime statistics are to be collected and the format in which the statistics shall be published. West Chester University discloses its annual security report statistics for the three most recent calendar years (2021, 2022, and 2023) concerning the number of Clery reportable crimes occurring within Clery-reportable geography. Statistics include offenses reported to the Philadelphia Police Department and to West Chester University staff having significant responsibility for student and campus activities, i.e. Campus Security Authority. Officials and offices on campus who have contributed statistical information include, but are not limited to, the Office of the Dean of Students; faculty advisors to student groups; residence life staff; athletic administrators, coaches, and trainers; student health personnel; subcontracted security guards; and student conduct staff. University counselors may voluntarily provide nonidentifying information on crimes reported to them for inclusion in the yearly statistics.

In accordance with the definitions found in the Clery Act, crime statistics are collected and reported in the following geographical categories:¹

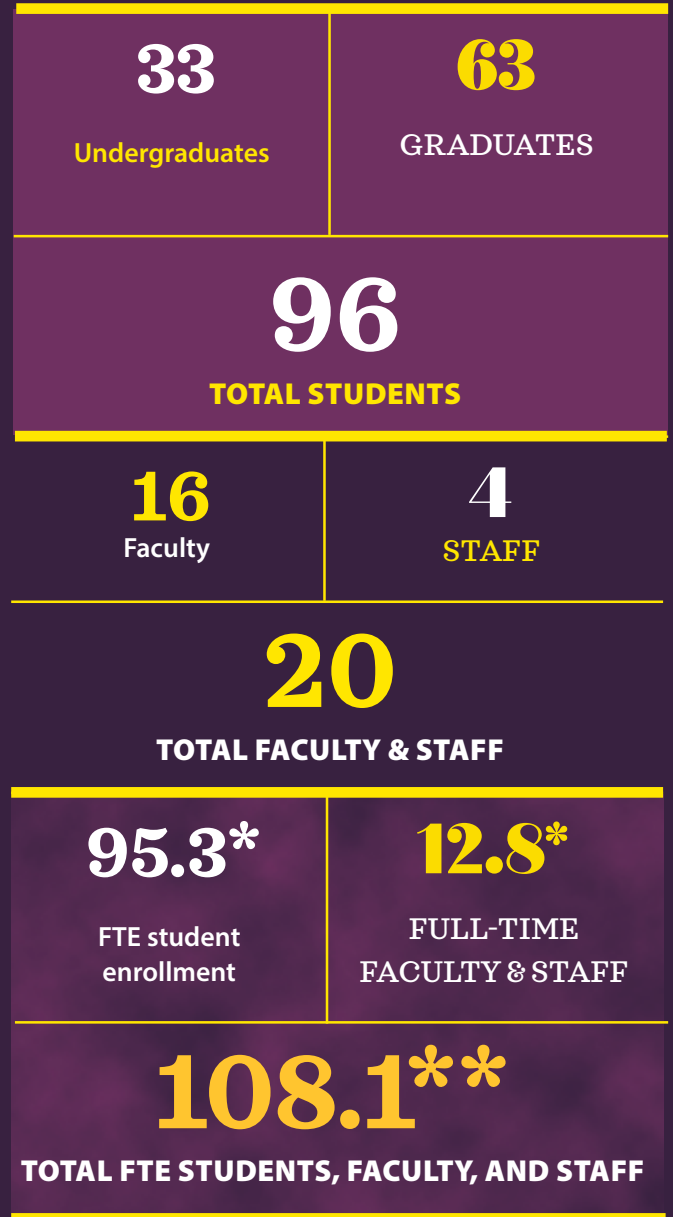
- On-campus: (1) any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls.; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned or controlled by another person, is frequently used by students, and supports institutional purposes, i.e a food or retail vendor).

For the Philadelphia Center of West Chester University, this definition applies to all University-owned or controlled facilities within the Lits Building, specifically the Academic and Administrative Suites located on the Concourse Level of the building. All corridors and escalators used by faculty staff and students used to access the Philadelphia Center will be included as "On Campus."

- On-campus student housing facility: Any student housing facility that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. The on-campus Student Housing category is also a subset of the On-campus category.
- Non-campus Building or Property: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e., privately owned fraternity); or (2) Any building or property owned or controlled by an

¹ Because of the Philadelphia Center's unique geography aspects of some of these definitions may not be applicable, yet because these definitions are from the statute they nevertheless are being quoted in their entirety.

The Philadelphia Center Community WCU BY THE NUMBERS:



FTE = Full Time Equivalent
Figures provided by the Office of Institutional Research

* Figures are for the Philadelphia Location as of the 'Fall Freeze' of enrollment numbers for Fall 2023.

** This figure equals the number of full-time employees and students. This is not a headcount.

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.

- **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, immediately adjacent to, and accessible from the campus.

For the Philadelphia Center this definition applies to the sidewalk immediately adjacent to the Lits Building. Consistent with the guidance issued by the Department of Education in the Clery Appendix, the Department applies no specific measurable distance definition into adjacent public property. Therefore, the sidewalk in the 700 Block of East Market St, the 100 Block of N 7th Street, and the 100 Block of N 8th Street that is "immediately adjacent to and accessible from the campus."

The Public Property surrounding campus is countable only when the Lits Building is open and therefore accessible from campus when students and staff at the Philadelphia Location. The Lits Building is open Monday through Friday from 8:00 am to 6:00pm. The Philadelphia Center location does have one weekend class on Saturdays.

STATISTICS FOR INCIDENTS REPORTED ON CAMPUS

Statistics for on-campus properties include all incidents reported to the University's Department of Public Safety that occurred in any building or property that is owned or controlled by the institution located within the same reasonably contiguous geographic area and are used to meet or support the educational purposes of the institution. These statistics also include all residential facilities on campus, whether they are owned and operated by the University or by a private management company.

There were no Clery-reportable incidents in the Lits Building during the 2023 calendar year.²

STATISTICS FOR INCIDENTS REPORTED IN ON-CAMPUS RESIDENTIAL FACILITIES³

Statistics for residential facilities include all incidents reported to the University's Department of Public Safety that occurred in the student residential facilities located on the main campus, whether the building is owned and operated by the institution or by a private management company. These numbers are also included in the on-campus property statistics.

STATISTICS FOR INCIDENTS REPORTED IN NON-CAMPUS PROPERTIES

Statistics for non-campus properties include all incidents known to the University that are reported to local municipal police agencies.

STATISTICS FOR INCIDENTS REPORTED ON PUBLIC PROPERTY

Reporting for public properties includes all incidents known to the University that are reported to local municipal police agencies for incidents occurring in public areas that are geographically contiguous to campus property.

DEFINITIONS OF CLERY ACT REPORTABLE CRIMES

Crimes for which the University is responsible for reporting under the Clery Act are arranged in four categories: Criminal Offenses, Hate Crimes, VAWA offenses and Arrests and Disciplinary Referrals for Weapons, Drug and Alcohol Law Violations

Consistent with the requirements of the Clery Act, Pennsylvania distinctions are listed among the Clery definitions below in *italicized text*.

CRIMINAL OFFENSES

Murder/Manslaughter: Defined as the willful killing of one human being by another.

Manslaughter by Negligence: Defined as the killing of another person through gross negligence.

Sexual Assault: Under the Violence Against Women Act (VAWA), the definition of sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent." The VAWA definition of sexual assault includes rape, fondling, incest, and statutory rape.

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.

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 the victim's age or because of the victim's temporary or permanent mental incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. (In Pennsylvania, the age of consent for sexual activity is 16 years or older.)

PENNSYLVANIA DEFINITION OF SEXUAL ASSAULT DEFINITION OF SEXUALLY BASED OFFENSES

The offenses listed below are the Pennsylvania distinctions to the Clery Act definitions listed above.

Sexual Assault: The state of Pennsylvania defines sexual assault as follows:

² Source- Philadelphia Police Department

³ There no on-campus residential facilities at the Philadelphia Center.



“[E]xcept as provided in Section 3121 (relating to rape or) 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 complainant’s consent.

Rape – a person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

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

Indecent Assault – 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 complainant’s 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 complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (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.

Indecent contact is defined as “any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in any person.

Incest – Except as provided under subsection (b), a person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood.

(b) **Incest of a minor.** – A person is guilty of incest of a minor, a felony of the second degree, if that person knowingly marries, cohabits with or has sexual intercourse with a complainant who is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood and:

(1) is under the age of 13 years; or

(2) is 13 to 18 years of age and the person is four or more years older than the complainant.

Statutory Sexual assault – 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.

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

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

Burglary: Unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: Theft or attempted theft of a motor vehicle.

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

HATE CRIMES

The University is committed to maintaining an environment free from unlawful discrimination or harassment and the reporting of incidents enables the University to assess the campus climate and promptly respond to incidents. Together, we can work to maintain an educational and work environment that is free from unlawful harassment and discrimination. Hate crimes are especially cruel, and the University will prosecute offenders under the law and/or its conduct processes.

Categories of Prejudice: Disability, Ethnicity, Gender, Gender Identity, National Origin, Race, Religion, Sexual Orientation

For Clery Act reporting purposes, hate crimes include the criminal offenses described previously on this page, in addition to the four crimes listed below, that manifest evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim based on one or more of the following categories of bias: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.



- **Larceny/Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. This includes pocket-picking, purse snatching, shoplifting, theft from building, theft from a motor vehicle, theft of motor vehicle parts or accessories, and all other larcenies.
- **Simple Assault:** Unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism to Property (except Arson):** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

ARRESTS AND DISCIPLINARY REFERRALS

Liquor Law Violations: The violation of state and/or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, or possession or use of alcoholic beverages.

Drug Abuse 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.

Weapons Law Violations: 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.

DISCIPLINARY REFERRALS

The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

THE VAWA OFFENSES

Another category of Clery definitions is the definition contained in the Violence Against Women Act (VAWA). Those offenses are Dating Violence, Domestic Violence, and Stalking. Where applicable the Pennsylvania distinctions to the VAWA Act offenses are provided.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family laws of the Commonwealth of Pennsylvania, or 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.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

PENNSYLVANIA DISTINCTIONS TO THE VAWA CRIMES

Pennsylvania does not have a specific statute for domestic violence; those incidents are categorized as simple or aggravated assaults or other applicable offenses

Under the Protection from Abuse Act, 23 Pa. C.S. § 6101. et seq. abuse, which would constitute a Clery countable crime is defined as follows:

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).*

Dating Violence: The VAWA definition of dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be 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, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

Pennsylvania does not have a specific statute for dating violence; those incidents are categorized as simple or aggravated assaults or other applicable offenses.

Stalking: The VAWA definition of stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for the person's safety or the safety of others, or (b) suffer substantial emotional distress. For the purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

In Pennsylvania, 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 that 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.

Statistics for 2023 Clery-reportable crimes and Uniform Crime Reporting data for the Philadelphia Location can be found starting at page 44

POLICIES ON ALCOHOL AND DRUGS

Drug-Free Schools and Communities Act Notice

West Chester University is committed to providing a healthy working environment consistent with PASSHE 1989-02: Drug-Free Workplace and the maintenance of campus free from unlawful drug and alcohol-related activity. West Chester University certifies its compliance with The Drug-Free Workplace Act (41 USCA 701), The Drug-Free Schools and Communities Act of 1989 (P.C.101.226), and their implementing criteria: the Drug and Alcohol Abuse Prevention Regulations (34 CFR 86). The University's materials to comply with the DFSCA are cross-referenced at <https://www.wcupa.edu/services/STU/health-and-wellness/>.

Each year the Office of Human Resources sends a notice to all employees reaffirming West Chester University as a Drug-Free Workplace.

West Chester University is committed to providing a healthy working environment consistent with PASSHE 1989-02: Drug-Free Workplace and the maintenance of campus free from unlawful drug and alcohol-related activity. West Chester University certifies its compliance with The Drug-Free Workplace Act (41 USCA 701), The Drug-Free Schools and Communities Act of 1989 (P.C.101.226), and their implementing criteria: the Drug and Alcohol Abuse Prevention Regulations (34 CFR 86).

West Chester University prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities. The University vigorously enforces all local, state, and federal laws as they pertain to the unlawful possession, use, or distribution of illicit drugs and alcohol. Conviction under such laws provides for punishment that includes fines and/or imprisonment. The specific codes are described in detail in the Student Code of Conduct.

Below are citations to the legal consequences of alcohol-related violations in Pennsylvania, the state Marijuana Crime Code, and legal sanctions for drug violations under federal government law.

Legal Sanctions for underage alcohol law violation under PA state law and PA DUI laws

UNDERAGE ALCOHOL

(b)Penalty. – A person convicted of violating subsection (a) [relating to an underage alcohol violation] may be sentenced to pay a fine of not more than \$500 for the first violation and not more than \$1,000 for the second and each subsequent violation.

DRIVING UNDER THE INFLUENCE

(a) Basic offenses. – Except as provided in subsection (b):

(1) An individual who violates section 3802(a) (relating to driving under influence of alcohol or controlled substance) and has no more than one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804 (relating to penalties).

(2) An individual who violates section 3802(a) and has two prior offenses commits a misdemeanor of the second degree.

(3) An individual who violates section 3802 and has three or more prior offenses or has previously been convicted of a violation of section 3735 (relating to homicide by vehicle while driving under influence) commits a felony of the third degree.

(b) Other offenses. –

(1) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has one prior offense commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(2) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) and who has no prior offenses commits a misdemeanor for which the individual may be sentenced to a term of imprisonment of not more than six months and to pay a fine under section 3804.

(3) An individual who violates section 3802(a)(1) where there was an accident resulting in bodily injury, serious bodily injury or death of any person or in damage to a vehicle or other property, or who violates section 3802(b), (e) or (f) and who has two prior offenses commits a misdemeanor of the first degree.

(4) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) and who has one prior offense commits a misdemeanor of the first degree.

(4.1) An individual who violates section 3802(a)(1) where the individual refused testing of breath or chemical testing pursuant to a valid search warrant, court order or any other basis permissible by the Constitution of the United States and the Constitution of Pennsylvania, or who violates section 3802(c) or (d) commits:

(i) A felony of the third degree if the individual has two prior offenses .

(ii) A felony of the second degree if the individual has three or more prior offenses.

(5) An individual who violates section 3802 where a minor under 18 years of age was an occupant in the vehicle when the violation occurred commits :

(i) A misdemeanor of the first degree if the individual has no more than one prior offense.

(ii) A felony of the third degree if the individual has two or more prior offenses.

LEGAL SANCTIONS FOR MARIJUANA LAW VIOLATIONS UNDER PENNSYLVANIA LAW

Pennsylvania Marijuana Possession Penalties

Possession of Marijuana (pot) Penalties in PA are as follows:

For 30 grams or less, you are facing misdemeanor charges of up to 30 days in jail, and a fine of \$500.

For possession of more than 30 grams, the penalties go up to 1 year in jail and \$5000 in fines. Automatic six month loss of license.

If you are a first time marijuana offender, it is possible to get probation without a verdict. For second (2nd) offense possession charges, or multiple subsequent offenses, the penalties may double.

If you have more than 30 grams of marijuana, you run the risk of being charged with possession with intent to deliver or distribute in many cases.

Pennsylvania Drug Possession Penalties

Possession of other Controlled Substances Penalties (Heroin, Cocaine, LSD/Acid, Ecstasy/MMDA, Meth, and prescription drugs including Vicodin and Oxycontin or illegal steroids)

Up to one year in prison, and/or a \$5,000 fine first (1st) offense. Up to two years in prison for a second (2nd) offense.

Up to three years in prison for a third (3rd) offense.

Possession of more than five grams of crack (cocaine) may be subject to a minimum penalty of 5 years in prison.

Possession of Drug Paraphernalia, or Selling/distributing Marijuana

Up to 1 year in jail and/or a fine of up to \$2500.

For selling to a minor, under Pennsylvania Drug laws, it can be a felony charge of up to 2 years in jail and a \$5000 fine.

Legal sanctions for drug violations under federal law

Use and Possession of Medical Marijuana is prohibited

Federal law, specifically the Drug Free Schools and Communities Act, supersedes Pennsylvania state law. The use and possession of all marijuana is prohibited on campus. Some people need to use medical marijuana that is lawfully obtained under state law. However, lawful use and possession must occur at a location outside the University's campus property, i.e. not on campus or in a residence hall.

- In the Commonwealth of Pennsylvania, medical marijuana is a lawfully recognized medication. How then can a state-run institution not support state law? How does a state law enforcement officer have the authority to enforce federal and not state law?

- Federal law supersedes state law. Under federal law, specifically the Drug Free Schools and Communities Act, marijuana in all forms (regardless of its medical necessity) is an illegal drug.

- Under federal law, universities must adopt and enforce a written policy that bans the use or possession of all marijuana on campus.

- University police officers enforce University policy, which is and must be consistent with federal law.



Wellness Promotion Programs

Decisions About Drinking

Wed, Jul 19, 2023 1 PM – 2:30 PM
 Fri, Aug 25, 2023 10 AM – 11:30 AM
 Fri, Sep 1, 2023 11 AM – 12:30 PM
 Tue, Sep 19, 2023 1 PM – 2:30 PM
 Thu, Oct 12, 2023 10 AM – 11:30 AM
 Fri, Oct 20, 2023 3 PM – 4:30 PM
 Mon, Nov 13, 2023 11 AM – 12:30 PM
 Tue, Nov 21, 2023 10 AM – 11:30 AM
 Mon, Dec 18, 2023 11 AM – 12:30 PM
 Tue, Jan 16, 2024 10 AM – 11:30 AM
 Tue, Jan 23, 2024 10 AM – 11:30 AM
 Fri, Jan 26, 2024 3 PM – 4:30 PM
 Thu, Feb 8, 2024 11 AM – 12:30 PM
 Fri, Feb 16, 2024 3 PM – 4:30 PM
 Tue, Feb 20, 2024 1 PM – 2:30 PM
 Mon, Mar 4, 2024 1:30 PM – 3 PM
 Fri, Mar 22, 2024 3 PM – 4:30 PM
 Wed, Mar 27, 2024 2 PM – 3:30 PM
 Tue, Apr 2, 2024 2 PM – 3:30 PM
 Thu, Apr 11, 2024 11 AM – 12:30 PM
 Fri, Apr 26, 2024 3 PM – 4:30 PM
 Tue, May 21, 2024 12 PM – 1:30 PM
 Mon, Jun 17, 2024 9:30 AM – 11 AM
 Tue, Aug 20, 2024 3 PM – 4:30 PM

Fri, Aug 30, 2024 3 PM – 4:30 PM
 Friday, August 30th at 3 pm
 Monday, September 9th at 10 am
 Friday, September 27th at 3 pm - via Zoom
 Monday, October 7th at 2 pm
 Friday, October 18th at 3 pm
 Wednesday, November 6th at 12 pm
 Friday, November 15th at 3 pm

Choices About Cannabis

Fri, Aug 25, 2023 10 AM – 11:30 AM
 Fri, Sep 1, 2023 11 AM – 12:30 PM
 Mon, Oct 2, 2023 11 AM – 12:30 PM
 Tue, Nov 7, 2023 1 PM – 2:30 PM
 Tue, Dec 19, 2023 11 AM – 12:30 PM
 Tue, Jan 16, 2024 10 AM – 11:30 AM
 Fri, Jan 26, 2024 3 PM – 4:30 PM
 Tue, Feb 13, 2024 2 PM – 3:30 PM
 Mon, Mar 18, 2024 10 AM – 11:30 AM
 Fri, Apr 19, 2024 3 PM – 4:30 PM
 Tue, Apr 30, 2024 12 PM – 1:30 PM
 Tue, May 28, 2024 12 PM – 1:30 PM
 Wed, Aug 21, 2024 3 PM – 4:30 PM

The University complies with federal, state, and local laws including those that regulate the possession, use, and sale of alcoholic beverages and other controlled substances.

West Chester University students who use, sell, exchange, consume, or **possess alcoholic beverages, illegal drugs, or drug paraphernalia** on university property or at University functions will be dealt with in accordance with the laws of the Commonwealth of Pennsylvania, federal and local laws as well as the University Student Code of Conduct. West Chester University prohibits the unlawful possession, use, and sale of alcoholic beverages on campus. Even students who are 21 years of age or older are not permitted to possess or consume alcohol on campus property. West Chester University prohibits the unlawful possession, use, and sale of illegal drugs on campus. The West Chester University Department of Public Safety is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

- How can medical marijuana be used legally by University students or employees?
 - Some people need to use medical marijuana that is lawfully obtained under state law. But lawful use must occur at a location outside the University's campus property.
 - Nothing in the Pennsylvania Medical Marijuana Act changes federal law. There are lawful uses of marijuana in Pennsylvania. However, medical marijuana is simply not permitted on campus.
- Who are the designated persons on campus to manage questions regarding medical marijuana?
 - The Associate Vice President for Student Affairs, Assistant Dean of Students for Student Conduct, and Vice President for Student Affairs are available to:
 - Counsel students about living off campus if they intend to use medical marijuana.
 - Help students identify housing resources.
 - Affirm that no one may lawfully possess or use medical marijuana on campus.
- Is CBD Oil a form of medical marijuana?
 - No, CBD products are a new trend. CBD is often advertised as a "cure-all," which will "not get you high" or "not show on a drug screening." However, some users of this "natural supplement" claiming to be THC-free have tested positive for THC and lost jobs over it. It is unregulated and anyone considering CBD should exercise caution

The university offers several health education programs through the Office of Wellness Promotion. These programs may be part of sanction issued by the Office of Student Conduct as part of a disciplinary action or they may be completed by students voluntarily. For 2023 and 2024 the Office of Wellness Promotion offered the Decision about Drinking and Choices about Cannabis workshop

Non-students who violate the University's policies and whose actions are not in compliance with the orderly operation of the University may be prosecuted in accordance with state, federal, and local laws. Non-students involved in on-campus violations of these policies may be banned from university property.

ALCOHOL AND ALCOHOL CONTAINERS

West Chester University campus violation of the University's alcohol policy as set forth in the Student Handbook shall be construed as a violation of this section. Any off-campus violation is a violation of this section when such off-campus use violates local, state, or federal laws. Exceptions to alcohol violations are noted in the Medical Amnesty Policy. This section shall include, but is not limited to, (a) display of empty alcohol containers in any University facility, residence hall, or any affiliated university housing, (b) sale, exchange, use, possession, or consumption of alcoholic beverages on campus over 21 years of age,

(c) underage use, possession, or consumption of alcoholic beverages, (d) open containers

of alcoholic beverages, (e) public intoxication, and (f) driving under the influence. As it is

a violation of this policy to possess alcohol, demonstrating that a student has knowledge of the location of alcohol and/or the intent to exercise control over the alcohol shall constitute possession. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student found responsible of (g) selling and/or furnishing alcohol to minors.

DRUGS AND DRUG PARAPHERNALIA:

Students who exhibit drug use or abuse or any other violation of the University's drug policy, as set forth in the Student Handbook, shall be considered in violation of this section. This includes, but is not limited to, (a) possession or use of any illegal or controlled substance, drug, and/or (b) possession of drug paraphernalia, (c) possession of a significant quantity, distribution, or sale of drugs, and/or (d) driving under the influence. Any off-campus violation is a violation of this section when such off-campus use or possession is in violation of local, state, or federal laws. Demonstrating that a student has knowledge of the location of any illegal or controlled substance, drug or drug paraphernalia, and/ or the intent to exercise control over such items shall constitute possession.

ENFORCEMENT OF STATE, LOCAL, AND FEDERAL LAWS

Anyone (students and non-students alike) in possession of illegal drugs or paraphernalia can be charged under PA Crimes Code Title 18 for alcohol offenses, or for a controlled substance offense, Pennsylvania Crimes Code Title 35.

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. Additionally, students can receive fines of no less than \$50 for student conduct violations.

THE MEDICAL AMNESTY POLICY

West Chester University's priority is for the safety and well-being of WCU students. The WCU Medical Amnesty policy has been instituted to encourage students and bystanders to seek emergency medical assistance in situations that are possibly life-threatening due to alcohol or drug use, without fear of conduct violations for alcohol and drug use. For the bystander and student needing assistance to receive medical amnesty from the University, the bystander seeking assistance must:

- a. *Call 911, Public Safety, Police, Emergency Services, or otherwise contact an other Authorized University Representative based on a reasonable belief that someone, including themselves, is in need of immediate medical assistance;*
- b. *Reasonably believe that they were the first person to make the 911 call or a call to Public Safety, Police, Emergency Services, or otherwise contact another*
- c. *Authorized University Representative and reported that a person needed immediate medical assistance;*
- d. *Provide their own name to the 911 operator, Public Safety, Police Emergency Officer, University Staff or other Authorized University Representative;*
- e. *Remain with the person needing medical assistance until emergency healthcare providers have arrived and taken care of the person in need of medical assistance; AND*
- f. *Comply with post-event educational/counseling objectives issued by the Office of Wellness Promotion and/or the Office of Student Conduct.*

DRUG AND ALCOHOL POLICY RELATING TO INSTANCES OF SEXUAL MISCONDUCT

The health and safety of every student at the University are of utmost importance. The University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time sexual misconduct occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The University strongly encourages students to report incidents of sexual misconduct. A witness to or individual who experiences sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to University officials or law enforcement will not be sanctioned under the University's Student Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual misconduct. The University may require the individual to attend an approved alcohol or drug education program and without assessing any charges for such program. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to the relevant state or federal criminal statutes.

ALCOHOL AND DRUG EDUCATION PROGRAMS

Drug and alcohol abuse education programs are available for Philadelphia Location students through the Division of Student Affairs at the Student Health and Wellness Location and at the Counseling and Psychological Services Center. Programs for employees are available through Human Resources at 201 Carter Drive. Counseling professionals, guest speakers, and extensive literature on these subjects are

available through these offices. The University also utilizes available county support agencies that help, including 24-hour hotlines and the State Employee Assistance Program.

In compliance with the Drug-Free Schools and Communities Act, West Chester University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention. This information contains, inter alia, sanctions for violations of federal, state, and local laws as well as violations of University policy; a description of health risks associated with alcohol and other drug use; a description of available treatment programs for

A complete description of these topics as provided in the University's annual notification to students and employees is available online.

SEXUAL ASSAULT AND SEXUAL HARASSMENT, DATING AND DOMESTIC VIOLENCE

The policy statements contained in this section of the Annual Security Report are understood to apply in instances of Dating Violence, Domestic Violence, Sexual Assault, and Stalking. Each policy below should be read as applying to each of those VAWA offenses.

PROHIBITION OF SEXUAL ASSAULT, SEXUAL HARASSMENT, DATING, AND DOMESTIC VIOLENCE AND STALKING

West Chester University does not discriminate based upon gender in its educational programs and sexual misconduct are types of gender discrimination. The acts can also be forms of gender-based discrimination and are prohibited, whether sexually based or not, and include dating violence, domestic violence, and stalking.

West Chester University issues this statement of policy to inform the community of the University's comprehensive plan addressing sexual misconduct, educational programs, and procedures addressing sexual assault, dating violence, domestic violence, and stalking, whether the incident occurs on or off-campus and when it is reported to a West Chester University official or Campus Security Authority. In this context, West Chester University prohibits the offenses of dating violence, domestic violence sexual assault, and stalking (defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment emphasizing the dignity and worth of all members of the University community.

It is a violation of policy for any member of the University community to engage in sexual harassment/misconduct or to take retaliatory action against an individual for reporting sexual harassment/misconduct. Consequences of sexual harassment/misconduct may include termination of the relationship with the University. Retaliatory actions against persons filing a complaint of sexual harassment/misconduct, or any person cooperating in the investigation of a complaint, is also prohibited. Acts of retaliation shall constitute misconduct subject to disciplinary action and should be reported to the Title IX Coordinator/Director for Equity and Compliance.

The prohibition and prevention of dating violence, domestic violence, sexual assault, and stalking are addressed in numerous programming options offered by the institution.

All members of the University community are responsible for ensuring that their conduct does not sexually harass any other member of the University community.

Accused students or employees should know the initiation of any University proceeding does not preclude the possibility of criminal charges. Parallel University and criminal proceedings are not uncommon.

This policy is not intended to interfere with the protections afforded by law to freedom of speech. Additional information, including additional examples of what constitutes sexual harassment/misconduct, is available from the Office for Diversity, Equity, and Inclusion. At <https://www.wcupa.edu/admin/diversityEquityInclusion/>.

RESOURCES PROVIDED IN WRITING

When a referral is received by the Office for Diversity, Equity, and Inclusion a letter is sent to the complainant (victim) informing them of the availability of supportive measures, resources both on and off-campus and formal reporting options including assisting in making a criminal report to the West Chester University Police Department, or, if the incident occurred in the complainant's hometown, the complainant's local police department. The outreach letter further explains the rights and responsibilities a complainant has when a report of sexual misconduct is reported to the Office for Diversity Equity and Inclusion

WHAT IS CONSENT?⁴

Consent is a knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood. To be valid, consent must be active, present, and ongoing.

Consent is not present when it is the result of coercion, intimidation, force, or threat of harm.

Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

For definitions of sexual assault, dating violence, domestic violence, and stalking, see pages 16 through 18

Consent in Reference to Sexual Activity under the Pennsylvania Crimes Code

Pennsylvania does not explicitly define consent within its statutes. However, a person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

⁴ Definition taken from 2024-2025 West Chester University Student Code of Conduct, page 7

1. By forcible compulsion;
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
3. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
4. Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
5. Who suffers from a mental disability that renders the complainant incapable of consent. 18 Pa.C.S.A. § 3121.

“Forcible compulsion” is defined as “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.” 18 Pa.C.S.A. § 3101.

Further, resistance is 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. [18 Pa.C.S.A. § 3107](#), see also rainn.org/policy.

PREVENTION AND AWARENESS PROGRAMS AT WEST CHESTER UNIVERSITY

Though programs are, unfortunately, not offered on-site at the Philadelphia Center the University has a comprehensive array of prevention and education programs aimed at ending sexual assaults and harassment, dating violence and domestic violence as well as stalking. For more information on violence presentation at WCU visit the [Violence Prevention](#) page for the Center for Women and Gender Equity and the [Office for Diversity, Equity and Inclusion](#). Students at the Philadelphia Center are encouraged and welcome to participate in these programs either in person or virtually if that is an option.

The Office for Diversity, Equity & Inclusion (ODEI) offers educational and learning opportunities for all students, faculty, and staff at West Chester University (WCU). In accordance with the University’s strategic plan, it is our intent to foster a campus environment that invites all community members to build upon their awareness, skills, and competencies related to diversity and inclusion topic areas. ODEI works collaboratively with campus partners to provide consultation, resources, and support toward the advancement and sustainability of a positive campus climate for all.

The ODEI conducts training for all campus-mandated reporters including but not limited to Res Life staff, student affairs professionals, and supervisors and partners with Human Resources offering training for new faculty and staff during faculty and staff orientation.



PROGRAMMING FOR STUDENTS

SEXUAL MISCONDUCT PREVENTION & RESPONSE FOR STUDENTS (SCHEDULED UPON REQUEST) PRESENTERS: EQUITY & COMPLIANCE TEAM, OFFICE FOR DIVERSITY, EQUITY & INCLUSION

Beyond laws and policies, sexual misconduct is very damaging to the academic learning environment and student life experience. After taking this course, students should be able to recognize, prevent, and respond to sexual misconduct on campus. This workshop can be requested for a department, class, group, or organization and be requested for certain dates.

Any Ram Can-Bystander Intervention:

Any Ram Can is a program designed to engage students in conversation about being an active bystander with an emphasis on alcohol use. Through several different modalities such as trivia, role-playing, and working through a case study, students will explore various bystander intervention strategies, identify the qualities of being an active and engaged bystander, and learn about the university’s medical amnesty program. In addition, this workshop provides students the opportunity to discuss recent current events related to bystander intervention on college campuses. This program is available via live facilitation or the department’s D2L page.

PROGRAMMING FOR FACULTY AND STAFF

SEXUAL MISCONDUCT PREVENTION & RESPONSE FOR FACULTY/STAFF PRESENTERS: EQUITY & COMPLIANCE TEAM, OFFICE FOR DIVERSITY, EQUITY & INCLUSION

Beyond laws and policies, sexual misconduct is very damaging to employees and the workplace environment. After taking this course, faculty and staff should be able to recognize, prevent, and respond to sexual misconduct on campus. This course is offered to staff on request and forms a core component of the annual training for West Chester University’s Residence Life Staff.

SEXUAL HARASSMENT PREVENTION & RESPONSE FOR SUPERVISORS (REQUIRED)

PRESENTERS: EQUITY & COMPLIANCE TEAM, OFFICE FOR DIVERSITY, EQUITY & INCLUSION

The University also has a formal policy that prohibits sexual harassment on campus—a policy ALL supervisors are responsible for enforcing. But beyond laws and policies, sexual harassment is very damaging to the workplace and work environment. After taking this course, supervisors should be able to recognize, prevent, and respond to sexual harassment on campus. *This is a required course for supervisors. Given its mandatory status, this training cannot be scheduled on request.*

PRIMARY PREVENTION AND AWARENESS PROGRAMS

These programs include various programs during Welcome Week for all incoming students. The programs are designed to be impactful during their first few days on campus. There are three sessions put on by the Office for Diversity, Equity and

Inclusion which are mandatory for students to attend, one is a featured speaker and the other are sessions put on by ODEI during the week. Other programs throughout the week, while not specific to sexual misconduct nevertheless address issues that could lead to sexual misconduct.

For new employees, Human Resources incorporates prevention and awareness programs in its online onboarding course in D2L (the University’s online learning platform) entitled New Ram Experience and the in-person program called Golden Welcome. Both programs target newly hired staff only which includes police officers, state university administrators (SUA) and temporary employees. Teaching faculty is not included because they have their own orientation, however, during their two-day orientation teaching faculty hear from Lynn Klingensmith, the Director for Equity and Compliance where prevention and awareness information is shared with them.

The university typically offers primary prevention and awareness and programs during Welcome Week. This year Welcome Week was from August 21 to August 25, 2024

Primary Prevention and Awareness Programs for Incoming Students

Program Title	Date	Location	Description of Event	Prohibited Behavior Covered
Consent Carnival	8/23/2024 2-4 PM	Residential Quad	Join the Center for Women and Gender Equity for consent themed fun! Activities include giant Jenga, a boundary wheel, a sexual geography map and more. Grab some WCU swag and enjoy some classic carnival snacks!	sexual assault
Title IX and Consent: Stacey Rose	8/24/2024 9AM, 10:30 AM and 12PM Mandatory Welcome Week session	Asplundh Concert Hall	An audience interactive program that addresses issues surrounding dating, sex, and sexual violence on college campuses through relatable language and scenarios presented by consent education expert Stacey Rose!	sexual violence on college campuses

The University offered the following primary prevention and awareness programs for all new employees.

Primary Prevention and Awareness Programs for New Employees

Program/ Module Name	Program/ Module Description
WCU Alerts	Utilize the WCU Alert system and WCU SAFE app
WCU Public Safety vs. West Chester Borough Police	Differentiate the roles of WCU Public Safety and West Chester Borough Police, recall the location of the closest campus emergency phone
Emergency Preparedness and Evacuation Procedures	Learn about the resources and training opportunities related to emergency preparedness, understand WCU evacuation procedures
Fire Safety Basics	Basic Fire safety awareness
Workplace Safety Accidents	How to report and respond to a workplace accident

ONGOING PREVENTION AND AWARENESS CAMPAIGNS

The University has developed an annual educational campaign that is sustained over time and use a variety of approaches to showcase the strategies used as part of the campaign. These are reflected in the table below

The University offered the following ongoing awareness and prevention programs for students.

Ongoing Prevention and Awareness Programs for Students					
Event Name	Date	Summary	Clery Topic Areas	Audience	Attendance (actual or approximate)
Situationships	Reoccurring	Peer educator facilitation training requested by classrooms about creating boundaries, self-advocacy, and healthy relationships.	Domestic/dating violence awareness & prevention	Students	Classroom sizes of 15-40
Rams Step Up	Reoccurring	Peer educator facilitation training requested by classrooms about safe and impactful bystander intervention.	Sexual violence awareness and prevention, domestic/dating violence awareness and prevention, stalking awareness and prevention	Students (primary), Staff	Classroom sizes of 15-40, 11 facilitations throughout the year
Take a Letter, Leave a Letter	Reoccurring	Tabling that encourages people to write anonymous letters of support for people who have experienced harm and take a letter if they need one.	Sexual violence awareness and prevention	Students	15-20 during Finals Week
It's On Us Week of Action	One week every semester	Week of action based on the It's On Us national campaign that includes social media posts/lives, guest speakers, marches, etc.	Sexual violence awareness and prevention	Students, Faculty & Staff	At least 50 people/day through virtual & in-person engagement
Take Back the Night	April 26	Annual march in support of survivors and ending violence. A confidential speakout follows the march to allow people to share their stories.	Sexual violence awareness and prevention, domestic/dating violence awareness and prevention, stalking awareness and prevention	Students	60
Community Care Night	April 26, October 26	An alternate event if the march is too activating for folks. Provides a chance for those who have experienced harm to connect over calming activities, like crafts or yoga.	Trauma-informed care, sexual violence awareness	Students	10
It's On Us Yoga	April 27	Another alternate event to provide people an opportunity to connect with their bodies in ways that are meaningful to them.	Trauma-informed care, sexual violence awareness	Students	12
Instagram Live with Gorjus Sex Ed	April 25	An Instagram live on sexual education as a form of harm prevention as part of the Week of Action.	Sexual violence awareness and prevention	Students, any Instagram followers	180 views
It's On Us PA Convening	April 18	Peer educators attended the conference at Gettysburg College with national and state It's On Us speakers to get a better idea of programming options and opportunities.	Sexual violence awareness, domestic/dating violence awareness, stalking awareness	Peer educators	4
Clothesline Project	April 10	Offers a visual display for people who have experienced harm to share their stories and everyone to share messages of support through decorated t-shirts hung up on the Quad.	Sexual violence awareness and prevention, domestic/dating violence awareness and prevention, stalking awareness and prevention	Students (primary), Faculty & Staff	50-75

Green Flag Project	March 8, October 20	Tabling that encourages people to write about what “green flags” they look for in all kinds of relationships.	Domestic/dating violence awareness and prevention	Students (primary), Faculty & Staff	88
Domestic Violence Awareness Month Purple Ribbon Hanging	October 6	Peer educators and volunteers hanging purple ribbons around campus.	Domestic/dating violence awareness	Students	10-15
National Stalking Awareness Month Post	January	Informative post about National Stalking Awareness Month.	Stalking awareness	Students, any Instagram followers	30 likes
Wellness Week & Fresh Check Day	Reoccurring	Partners with the Office of Wellness Promotion to table with activities about sexual geography and sexual citizenship.	Sexual violence awareness and prevention	New students & families (Welcome Week), Students (Fresh Check Day)	100-125 (Welcome Week), 300 (Fresh Check Day)
Resident Assistant Training	Reoccurring	Invited to train RAs on sexual citizenship and intervention.	Sexual violence, domestic/dating violence	RAs	Same as Title IX
Gender Justice Conference	March 29	Content during conference included a keynote on sexual pleasure and consent	Sexual violence awareness & prevention	Students (primary), Faculty & Staff	125-150 throughout keynotes and breakouts
Green Flag Project	10/4/2023	Tabling that encourages people to write about what “green flags” they look for in all kinds of relationships.	Domestic/dating violence awareness & prevention	Students	
It’s on Us Interest Meeting	11/01/2023	Interest Meeting for It’s on Us National Campaign Club Formation	Sexual violence awareness and prevention, domestic/dating violence awareness and prevention, stalking awareness and prevention	Students	3
Sexy Bingo	11/1/2023	Bingo-style game related to conversations regarding sex, consent, and pleasure	Trauma-informed care, sexual violence prevention	Students	94 registered, 100-120 throughout event
Kinky Sexy Bingo	11/28/2023	Bingo-style game related to conversations regarding sex, consent, and pleasure	Trauma-informed care, sexual violence prevention	Students	117 registered. up to 125 throughout event

The University offered the following ongoing awareness and prevention programs for employees.

Ongoing Awareness and Prevention Programs for Employees

Program Title	Date Offered	Prohibited Behavior Covered
	1/17/24	Sexual Misconduct including VAWA
Title IX Training for Student Employees (New RAs)	1/18/24	Sexual Misconduct including VAWA
Title IX Training for Student Employees (Orientation Leaders)	6/14/24	Sexual Misconduct including VAWA
Title IX Training for Student Employees (ASP Student Mentors)	6/27/24	Sexual Misconduct including VAWA
Title IX Training for Professional Staff (Residence Life Professional Staff)	30-Jul	Sexual Misconduct including VAWA
Title IX Training for Student Employees (Returning RAs)	8/7/24	Sexual Misconduct including VAWA
Title IX Training for Professional Staff (New Faculty Orientation)	8/12/24	Sexual Misconduct including VAWA
Title IX/Sexual Misconduct Training for Professional Staff (Aramark)	8/13/24	Sexual Misconduct including VAWA
Title IX Training for Student Employees (Residence Life Desk Assistants)	8/14/24	Sexual Misconduct including VAWA
Title IX/Sexual Misconduct Training for Professional Staff (DOSAs Professional Staff)	8/20/24	Sexual Misconduct including VAWA

RAMS STEP UP!

A pro-social, peer educator-led, bystander intervention education program. The goals of RAMS STEP UP! workshop are to: raise awareness of helping behavior, increase motivation to help, develop skills and confidence when responding to problems, and ensure the safety and well-being of others. RAMS STEP UP! aims to get bystanders to take action when they see a problematic event. This experience is delivered by trained undergraduate peer educators. This experience is delivered in either (1) one 120-minute part *or* (2) two 60-minute parts (120 minutes total), delivered sequentially via Zoom, and is highly interactive. Staff will provide a few videos and slides for students to look at and engage with before Part 1 of the program.

- **Part 1:** Introduces students to the bystander effect, engages students in considering situations where they have seen problems, encourages students to consider barriers to helping behavior in breakout rooms, and introduces strategies for helping.
- **Part 2:** Applies concepts introduced in Part 1 to develop skills and confidence when responding to problems. Students will practice identifying strategies for helping in video examples and scenarios. Allows students to practice skills in identifying harmful situations and stepping up and acting when they see a problematic event.
- This experience can be offered at any point during the semester

Risk Reduction

Under the Clery Act Risk reduction is defined as: “options designed to decrease perpetration and bystander inaction; increase empowerment for victims in order to promote safety; and help individuals and communities address conditions that facilitate violence.”

HERE ARE SOME TIPS ON REDUCING RISK WHEN IN A SOCIAL OR UNFAMILIAR SETTING:

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 do not 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..

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.

9. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
10. 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.
11. 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.
12. Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
13. 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).
14. 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 addressing.
 - 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 do not 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.
15. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.]

WHAT TO DO IF YOU ARE SEXUALLY ASSAULTED

Your Physical Safety after an Incident

- Find a place away from the perpetrator or away from any potential danger.
- Seek medical attention (strongly) recommended; you may be injured internally or externally and not be aware.
- Contact the Police by dialing 911.
- Contact the Counseling Center at 610-436-2301 between the hours of 8am to 4pm. After 4pm contact Public Safety who will page the on-call counselor.

You can and should contact the police in the areas where the assault take place if it took place off-campus. Criminal charges can be filed against any type of perpetrator including non-University members which include non-students. Criminal charges are separate from violations of the Student Code of Conduct which 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.

If an incident occurred in the borough of West Chester contact, West Chester Borough Police (610) 696-2700 or 911.

If the incident occurred in the City of Philadelphia call 215-686 8477 or 911. To file a police report dial 911 or you can visit your local District Headquarters

PRESERVING EVIDENCE

PRESERVING EVIDENCE MAY BE HELPFUL IF AN INDIVIDUAL IS CONSIDERING PURSUING CRIMINAL CHARGES. SOME CONSIDERATIONS:

- Post-assault forensic evidence (commonly referred to as a “rape kit”) is best collected within 72 hours of the assault. Individuals who have experienced sexual misconduct should go to the hospital as soon as possible after the assault.
- Evidence is easier to obtain if the individual has refrained from showering or bathing.
- The hospital will keep the clothes worn during the assault as evidence. Individuals should bring a change of clothes to the hospital or place the clothes they were wearing during the assault in a brown paper bag to the hospital.
- If the use of a “date rape drug” is suspected, the hospital can take a urine sample for evidence collection.
- The individual impacted by a sexual offense does not need to ‘report’ the sexual offense or ‘talk’ to law enforcement in order for the costs to be paid by the Victims Compensation Assistance Program (VCAP). The individual will not be charged for hospital services.
- For more information about evidence collection go to: www.rainn.org/get-information/sexual-assault-recovery/rape-kit.

Participating in the collection of evidence does not mean that an individual is obligated to pursue criminal charges, but it does allow for evidence to be preserved in the event the individual chooses that option.

Survivors are encouraged to also preserve other forms of evidence including:

- text messages, emails, and other forms of electronic content;
- unwashed clothing and/or sheets;
- social media posts;
- items in the trash

Such evidence can and would be useful for the police and for a Title IX investigation and for University hearing boards

SEXUAL ASSAULT REPORTING FAQS:

Q: *What should I do if I am sexually assaulted?*

A: Victims of sexual assault may feel traumatized or blame themselves and are reluctant to seek help and proper medical care; it is not the victim’s fault. If an individual has been the victim of sexual assault, dating violence, domestic violence, and/or stalking, or thinks they may have been, there are several options for reporting the incident and for obtaining the information, assistance, and support needed for all aspects of recovery, both emotional and physical.

Q: *How Do I report a Sexual Assault?*

A: there are multiple reporting options available to report.

- The Philadelphia Police Department, (215) 686-8477

Lynn M. Klingensmith, EsQ: Director for Equity and Compliance, West Chester University 114 W. Rosedale Avenue, West Chester, PA 19383610-436-2433 lklingensmith@wcupa.edu

The Sexual Misconduct Reporting Form using this link [Sexual Misconduct Reporting Form](#), or by filing a report electronically at tix@wcupa.edu

Q: *Do I have to get medical attention?*

A: You are not required to seek medical care but it is highly recommended you seek medical attention as soon as possible. You may have internal or external injuries from the assault that may require medical or care or have injuries you are not aware of until later. Taking care of yourself is a step in the healing process. In cases requiring urgent care, contact local emergency services by calling 911.

Q: *What if I do not want to make a report?*

A: Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, **it is the complainant’s (your) choice whether to make such a report and complainants have the right to decline involvement with the police.** The University will assist the complainant with notifying local police if the incident occurred off campus if they so desire, the responsibility of facilitating this contact will be assigned to the West Chester University Detective assigned to the investigation.

Q: *If I report a sexual assault, will my name become public? What happens to the information in the report?*

A: After reviewing the report, West Chester University may determine there is a serious or ongoing threat to the University and will issue a Timely Warning to protect the health or safety of the University community. The Timely Warning will not contain any identifying information about the person or victim of the sexual assault. The University also uses the submitted reports to collect sta-

tistical information for publication in the annual Campus Security Report. No names or personally identifying information is used in the Campus Security Report.

Q: Who can make a report of sexual misconduct?

A: Any individual, including a third party, may make a report concerning sexual misconduct. Complainants and third parties are encouraged to [report sexual misconduct](#) as soon as possible to allow the University to respond promptly and effectively.

Q: I made a report, what happens next?

A: The Title IX Coordinator (or designee) has the authority to institute corrective measures for reports of alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, through the University's electronic and anonymous reporting systems, or by filing a Formal Complaint.

Q: Can I report anonymously?

A: Yes. Although the University encourages complainants to make formal reports as outlined above, you may file an anonymous report using the [Sexual Misconduct Reporting Form](#). Anonymous reports, however, greatly limit the University's ability to respond and investigate the report.

COUNSELING AND MEDICAL SERVICES AND OTHER AVAILABLE SUPPORT

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 do our best to protect your privacy while meeting the University's legal obligations.

There are resources providing complete confidentiality on and off-campus:

Upon receipt of a report of dating violence, domestic 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 include the following on-campus and off-campus resources:

WEST CHESTER UNIVERSITY RESOURCES:

Counseling and Psychological Services (Counseling Center, 610-436- 2301, Lawrence 241) offers confidential counseling to students who have been sexually assaulted or victimized, whether recently or in the past. All counseling is confidential. This means that the counselor cannot speak with others about the student's situation without the student's written permission.

Students are encouraged to contact the Counseling Center (610-436- 2301) or come to the Center to schedule a triage appointment. Triage appointments will take place over the phone. During the triage session, students will discuss their concerns and options for counseling moving forward. Options may include short-term indi-

vidual counseling (either virtually or in-person) with a Counseling Center counselor, virtual group therapy via the Counseling Center, or obtaining off-campus referrals for longer-term or specialized counseling via their referral specialist. There are no fees for currently enrolled students to use the Counseling Center's services. Visit the Counseling Center [website](#) for hours and additional information. A counselor is on-site at the Philadelphia Campus meaning students at the Center need not travel to West Chester if it is more convenient to remain at the Philadelphia Center.

If a situation occurs after normal business hours, the on-call psychologist may be accessed by contacting Public Safety (610-436- 3311).

WCU Community Mental Health Clinic (CMHC) (610-436-2510, 8th Floor, Wayne Hall) is affiliated with the West Chester University Doctor of Psychology (Psy.D.) program. CMHC serves as a training center for graduate students in the Psy.D. program and as a clinical research site for faculty in the Psychology Department. As a non-profit training and research facility, CMHC is able to provide low-cost, cutting-edge psychotherapy and testing. Services are provided by graduate students 52 earning a doctorate in Psychology who are closely supervised by experienced, licensed Psychologists. Assessment appointments can be made by contacting the Clinic. For counseling, students will be referred from the Counseling Center for longer-term therapy.

Student Health Services (610-436-2509, Commonwealth Hall, Ground Floor) offers confidential medical care and assistance to students who have experienced sexual assault. Student Health Services is open Monday through Friday from 8:00 am to 6:00 pm. Please visit their [website](#) for additional information. Please contact them at 610-436-2509 to schedule an appointment; some same-day appointments may be available.

Nurse practitioners and physicians receive training to provide appropriate medical treatment and care, as well as discuss available services such as counseling and reporting. Student Health Services offers gynecological exams, pregnancy tests, emergency contraception, HIV tests, and sexually transmitted infection tests. **All standard post-assault medical care will be free of charge.** Student Health Services must report incidents of sexual misconduct to the Office of Diversity, Equity, and Inclusion, but do not need to disclose identifying information.

Post-assault forensic evidence collection (commonly referred to as a "rape kit") is not available at Student Health Services. However, nurse practitioners and physicians can help locate a medical provider who offers this service.

Office of Student Conduct (610-436-3511, Ruby Jones 200) is responsible for enforcing violations of the Student Code of Conduct. The Office staff can provide assistance and guidance to students, staff, and faculty in submitting reports on any violation of the Student Code of Conduct including sexual assault, sexual harassment, dating violence, domestic violence, and stalking. The Office also maintains a list (on their website) of Process and Policy Advisors who can provide guidance and assistance to students throughout the investigative and conduct processes.

Public Safety (610-436-3311, 690 South Church Street) Public Safety is available 24 hours a day, 7 days a week. University police officers will make all efforts to investigate any crimes that occur on campus within the scope of the law and will provide support and referral options. Persons who have experienced sexual misconduct may want to consider preserving all physical evidence, regardless of wheth-

er or not they want to press charges. Choosing not to press charges immediately does not prohibit one from doing so in the future, and physical evidence will be important to the case. University police will honor all Protection From Abuse Orders and No Contact Directives, as copies of these are kept on file with the department. For off-campus incidents, Public Safety Officers can assist in identifying and connecting with the municipality where the crime may have occurred.

Title IX Coordinator/Director for Equity and Compliance (610-436-2433, 114. W. Rosedale Avenue) aids students, faculty, or staff in matters regarding sexual harassment and sexual misconduct. The Director for Equity and Compliance can:

- discuss situations that may give rise to a complaint of sexual harassment or sexual misconduct and provide options for addressing the situation;
- oversees fact-finding investigations into complaints of sexual misconduct;
- oversees investigations of complaints of sexual harassment against University employees;
- provide interim measures for issues of discrimination, sexual harassment, or sexual misconduct;
- facilitate adjustments to on-campus transportation, parking, or work and other measures to ensure the safety of both parties, and
- assist University personnel and students with questions about sexual misconduct policies and procedures. In addition, the Title IX Coordinator/Director for Equity and Compliance monitors and oversees complaints of discrimination and harassment in compliance with federal regulations.

ADDITIONAL ON-CAMPUS RESOURCES

- **Department of Athletics (610-436-3573, Sturzebecker HSC 220)** Students may choose to contact them for help with filing a report and locating appropriate resources such as medical care and counseling.
- **Center for Women and Gender Equity (610-436-2111, Lawrence 220)** offers support, resources and referrals for those impacted by sexual misconduct.
- **Center for Trans and Queer Advocacy (610-436-3147, Sykes 238)** offers support services for students who identify as lesbian, gay, bisexual, transgender, queer, questioning, and their allies.
- **Office of Fraternity and Sorority Life (610-436-2117, Sykes 238)** Students may choose to contact the Director for assistance in submitting a report and to identify appropriate resources.
- **Lawrence A Dowdy Multicultural Center (610-436-3273, Sykes 003)** offers a supportive environment for multicultural students at West Chester University. The Dowdy Center coordinates services, programs, and referrals that enhance the academic and personal development of students of color. In matters of sexual misconduct, the Dowdy Center provides information and referral/reporting assistance to students.
- **Office of Services for Students with Disabilities (OSSD) (610-436-2564, Lawrence 223)** Students may choose to contact the Director for assistance with submitting a report and identifying appropriate resources.

- **Learning Assistance and Resource Center (LARC) (610-436-2535, Lawrence 224)** is a resource to provide quality academic support services which help students become independent, 55 active learners who achieve academic success. The LARC can assist in tutoring and other supports to continue to be successful academically.
- **On-Campus Legal Advice** - currently enrolled students can use RamConnect to meet with a lawyer for free. Available appointments are scheduled for the full year and are listed on [RamConnect](#). Please see their [website](#) for additional information.

The lawyer will provide a 15-minute consultation on a variety of civil and criminal issues - landlord/tenant, leases, citations, etc. This free service is offered by appointment only. The consultation does not extend into a courtroom. If further legal aid is needed, the lawyer can suggest professionals for consideration, or refer students to the Lawyer Referral Service of the Chester County Bar Association. Please note that the lawyer is prohibited from taking any student cases as this may pose a conflict of interest.

OFF-CAMPUS RESOURCES

In addition to the numerous services on campus, there are many additional services and organizations available.

The Philadelphia Sexual Assault Response Center (PSARC) was established in 2011 to meet the forensic and medical needs of sexual assault victims who are 16 years of age and older. PSARC is a private, not-for-profit center whose mission is to provide expertise in the assessment and evaluation of sexual assault victims in Philadelphia. All services are provided in a private, medical office setting located adjacent to the Special Victims Unit of the Philadelphia Police Department. This unique setting allows for private, confidential, victim-centered care.

The center is staffed 24/7, by on-call, specially trained, and experienced Sexual Assault Nurse Examiners (SANE) who provide forensic rape examinations and evidence collection to both females and males. The SANE staff is all highly-trained, compassionate nurses with years of experience in the care of sexually assaulted patients.

PSARC works closely with the Philadelphia Police Department's Special Victims Unit, the Philadelphia District Attorney's Office, Women Organized Against Rape (WOAR), and the Philadelphia Sexual Assault Advisory Committee to provide a survivor-centered approach to sexual assault.

PSARC cares for victims regardless of their cooperation with law enforcement. Accompaniment services, if desired, are provided by Women Organized Against Rape, Philadelphia's rape crisis center. The telephone number for PSARC is 215-800-1589 or 215-425-1625 to reach the on-call sexual assault nurse examiner.

Philadelphia Domestic Violence Hotline. A 24-hour Philadelphia Domestic Violence Hotline (1-866-723-3014) for crisis intervention, safety planning, resources, and referrals. All calls are free, confidential, and anonymous. Hotline counselors can help connect you with free services in the Philadelphia area, including emergency housing, legal services, behavioral health services, and other resources.

- **National Center for Victims of Crime, Stalking Resource Center** provides information and resources for victims of stalking. The helpline number is 1-800-FYI-CALL. You can also visit their website at www.ncvc.org/

- **Male Survivor** is an organization dedicated to providing support for male victims of sexual assault. Visit their website at www.malesurvivor.org
- The Network La Red is an organization committed to supporting the lesbian, gay, bisexual, and transgender community with information on and resources about battered relationships. They can be reached on their hotline (617-742-4911). Or, visit their website at www.thenetworklared.org.
- **The Rape, Abuse & Incest National Network (RAINN)** is a nationwide organization that provides free and confidential support for victims of sexual assault. They offer immediate crisis help and information about recovery. They can be reached on their hotline (1-800-656-HOPE), or by visiting their website and online hotline at www.rainn.org.

CONFIDENTIALITY

Complainants may request that directory information on file with the University be withheld by request. Such requests should be forwarded to the Office of the University Registrar in the Kershner Student Services Center located at 25 University Avenue.

Regardless of whether a complainant has opted out of allowing the University to share “directory information,” personally identifiable information (PII) about the complainant and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who is investigating/adjudicating the complaint or delivering resources or support services to the complainant, including accommodations and protective measures.

For example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without the inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20). By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

West Chester University does not publish the name of crime victims nor house identifiable information regarding complainants in the campus police department’s Daily Crime Log or online. Complainants may request that directory information on file be removed from public sources. Students can self-elect to restrict using self-service online in their University account or by contacting the Registrar. Employees may have the ability to restrict identifying information and should contact Human Resources for further information and assistance.

All publicly available record keeping is completed without the inclusion of PII by maintaining identifiable information on secure networks and databases in the Department of Public Safety, the Office of Student Conduct, and the Office for Diversity, Equity, and Inclusion.

CRIMINAL REPORTING OPTIONS

A Complainant may also seek to initiate a criminal complaint, independent of or parallel with any report made to the University.

Philadelphia Police Department, 215-686-3060, 6th District 400 N Broad St, Philadelphia, PA (or local district HQ)

West Chester University Police, 610-436-3311 or x3311 Peoples Building, 690 South Church Street, West Chester, PA 19383

You may also contact the police department in the city or town in which the incident occurred.

Please note The University’s policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement’s decision on whether to prosecute nor the outcome of any criminal prosecution is determinative of whether sexual misconduct has occurred under this Policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with Formal Complaints even during the time of a pending law enforcement investigation. As the University may not be informed of reports made with law enforcement agencies outside of West Chester University Police, a separate report must be filed with the Title IX Coordinator for University involvement.

External Reporting Options

A person may also file a complaint with the U.S. Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by or calling 1-800- 421-3481; 1-877-521-2172 TTY or emailing OCR.Philadelphia@ed.gov OR visiting <https://www.ed.gov/about/ed-offices/ocr/about-ocr>.

A person may also file a complaint with the Pennsylvania Human Relations Commission by calling 717-787-9780 for the Harrisburg Regional Office; 412-565- 5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office; or by visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>. The University may not be informed of reports made with external agencies.]

Making a report is different from filing a Formal Complaint, which is discussed in detail below. A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator by any person. A report may be accompanied by a request for (1) Supportive Measures; (2) no further action; (3) filing a Formal Complaint with a request to initiate an informal resolution process; and/or (4) a request to initiate an informal resolution process after filing a Formal Complaint.



RETALIATION

West Chester University prohibits retaliation against any person for using reporting procedure(s), or for filing, testifying, assisting, or participating in any investigation or proceeding involving allegations of University misconduct. Any retaliatory behavior should be reported immediately to the Office of Student Conduct or the Title IX Coordinator/Director of Equity and Compliance. 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.

SUPPORTIVE MEASURES AND ACCOMMODATIONS FOR COMPLAINANTS AND RESPONDENTS

Upon receipt of a report of sexual harassment, dating violence, domestic violence sexual assault, or stalking- supportive measures will be offered in *writing* through an outreach letter sent by the Office for Diversity, Equity and Inclusion. Supportive measures are non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University's Education Programs or Activities without unduly burdening the other Party.

Supportive Measures will be offered, as appropriate, to the Complainant or the Respondent, regardless of whether a Formal Complaint is filed. Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.

EMERGENCY REMOVAL FOR STUDENTS

1. The University retains the authority to remove a Respondent from its Education Programs or Activities on an emergency basis. This action is referred to as emergency removal.
2. Before imposing an emergency removal on a student Respondent, the University will:
 - A. undertake an individualized safety and risk analysis; and
 - B. determine that an immediate threat to the physical health

or safety of any student or other individual arising from the allegations of covered sexual misconduct justifies a removal.

3. If the University imposes an emergency removal on a student Respondent, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
 - A. The University will provide written notice of the emergency removal and applicable charges.
 - B. The University will provide an opportunity for the Respondent to appeal that decision to an appropriate Hearing Officer or designee within 10 days of the imposition of the emergency removal.
 - C. The designated University Hearing Officer will hear the evidence and determine whether there is sufficient evidence to support the conclusion that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct and that, based on that threat, removal is the appropriate course of action.
4. If the University learns of evidence that demonstrates that the emergency action is no longer justified after the emergency removal is imposed against a student Respondent, the University will take prompt action to rescind the emergency removal.
4. All emergency removals will comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.

ADMINISTRATIVE LEAVE FOR EMPLOYEES

The University retains the authority to place Employees on administrative leave consistent with applicable requirements of relevant University policies and collective bargaining agreements.

OTHER LEGAL REMEDIES AVAILABLE

Besides the remedies offered by the University (e.g. emergency removal) a student or employee can petition the Philadelphia Court of Common Pleas for a Protection from Abuse (PFA) or a Protection from Sexual Violence or Intimidation (PSVI) order. These orders can supplement the relief offered by campus authorities. Informa-

tion on both actions including the times when these actions can be filed can be found on the [Philadelphia Family Court website](#).

Once the order is signed by the Court it is a good idea to give a copy of the order to the Philadelphia Police Department and/or your local police department. If the defendant violates the order on the Philadelphia campus of West Chester University the Philadelphia Police Department can arrest the defendant for Indirect Criminal Contempt and, if the order prohibits the defendant from entering campus, arrest the defendant for trespass.

UNIVERSITY-ISSUED NO CONTACT DIRECTIVE

In addition, or in lieu of a PFA or a PSVI order the University can issue a No Contact Directive which is an official written instruction issued by the University administrator restricting or limiting contact (in person, electronic, via social media or 3rd parties) between individuals. A No Contact Directive can be issued between students, between students and employees, and between employees.

PROCESSES FOR ADJUDICATING COMPLAINTS OF SEXUAL HARASSMENT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING⁵

The University's full policies and procedures regarding reports of sexual harassment, dating violence, domestic violence, sexual assault, and stalking can be found at the following links:

[Sexual Misconduct Policy](#)

[Sexual Misconduct Policy \(Non Title IX\)](#)

West Chester University is currently prohibited from implementing the 2024 Title IX Regulations as the result of an injunction entered in the case of State of Kansas, et al. v. United States Department of Education, et al., 24-4041-JWB. West Chester University will apprise the university community of any changes if such changes occur after publication of the 2024 Annual Security and Fire Safety Report (i.e., if the injunction is no longer in effect).

PROCESS DETERMINATION

Based upon the Final Rule effective August 14, 2021, certain violations have regulatory standards that must be met to proceed under Title IX. The University's Sexual Misconduct Policy contains violations that may meet both regulatory and non-regulatory definitions. Under the Final Rule the University is required to dismiss allegations of not meeting the established regulatory federal guidelines.

Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of charges categorized as Non-Regulatory or other charges under this Policy or any other University Policy.

STANDARD OF EVIDENCE

Regardless of whether the conduct is regulatory or non-regulatory, all complaints filed with the Office of Diversity, Equity and Inclusion will be judged using the **preponderance of the evidence standard**, which means, it is more likely than not that University policy has been violated.

Adjudication proceedings will include a prompt, fair and impartial process from the initial investigation to the final result. In all instances, the process will be conducted in a manner that is consistent

with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to investigate and the hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

The complainant and the accused will have timely notice for meetings at which the complainant or accused, or both, may be present;

The complainant, the accused and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;

The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the accused;

The complainant and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The complainant and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the complainant or the accused in any meeting or institutional disciplinary proceeding.

The complainant and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and

Where an appeal is permitted under the applicable policy, the complainant 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 complainant 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.

PROCEDURES FOR TITLE IX, I.E. REGULATORY VIOLATIONS⁶

THE FORMAL COMPLAINT.

The Sexual Misconduct Resolution Process is initiated by a Complainant providing the Title IX Coordinator a written, signed Formal Complaint describing the facts alleged.

The timeframe for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded within a reasonably prompt manner, and usually no longer than 90 days after the filing of the Formal Complaint, provided that the Process may be extended for a good reason, as set forth more fully in the Continuances and Granting Extensions section. Appeals may extend the timeframe for resolution.

⁵ The adjudicatory and investigatory procedures in this report apply regardless if the student is enrolled at the Philadelphia Center or Main Campus.

⁶ A regulatory violation is one that meets the jurisdictional elements listed below under 'Determining Jurisdiction and Mandatory Dismissal for Certain Allegations'.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine a Formal Complaint is necessary. West Chester University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Sexual Misconduct Resolution Process. **PLEASE NOTE: The Title IX Coordinator does not lose impartiality solely due to signing a Formal Complaint.**

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the Informal Resolution Process (see the **Informal Resolution** section below).

NOTICE OF ALLEGATIONS

Once the formal complaint is filed the Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances. The Parties will be notified by their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither.

The Notice of Allegations will include the following:

- a. Notice of the University's Sexual Misconduct Resolution Process including any Informal Resolution process and a hyperlink to a copy of the process.
- b. Notice of the allegations potentially constituting violations(s) of any University policy, and sufficient details known at the time the Notice of Allegations is issued, such as the identities of the parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting a policy violation; and the date and location of the alleged incident, if known.
- c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing.
- d. A statement that the Parties may have an Advisor of their choice.
- e. A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a Party or other source.
- f. Individuals are prohibited from knowingly filing a false report or making misrepresentations. If, following an investigation and hearing as appropriate under applicable policy, a person is found to have willfully filed a bad faith report or made misrepresentations as part of a resolution process, the party may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy in the case of Officials, Employees or Volunteers.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

ALLEGATIONS FALLING UNDER TWO POLICIES

If a Formal Complaint against a Respondent who is a **Student** contains allegations of a violation of any of the listed Sexual Misconduct Violations in this Policy, as well as any other violation in the Student Code of Conduct, the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of all of the allegations. If all of the alleged Sexual Misconduct Violations of this Policy are dismissed, and the remaining underlying allegations, if true, would violate another University policy or the University's Student Code of Conduct, the matter may be referred for further action by the University's Office of Student Conduct, as appropriate.

If a Formal Complaint against a Respondent who is an **Employee** contains allegations of violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking), the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of those allegations. For all other allegations, the University will follow applicable requirements in University policy and relevant collective bargaining agreements for the resolution of the other allegations contained in the Formal Complaint.

If a Formal Complaint against a Respondent who is an **Official** or **Volunteer** contains any allegations under this Policy, the University or System will follow applicable requirements in University or System policies or procedures and standards for resolution of the allegations contained in the Formal Complaint.

DETERMINING JURISDICTION AND MANDATORY DISMISSAL FOR CERTAIN ALLEGATIONS

For alleged violations of Regulatory Prohibited Conduct (**Regulatory Quid Pro Quo**⁷, **Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking**) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred in the United States;
2. The conduct is alleged to have occurred in the University's Education Program or Activity; AND
3. The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

If all the elements are met the University will investigate the allegations under the processes set forth in the Sexual Misconduct Policy. If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the Final Rule and is being dismissed. Any Party may appeal a dismissal using the appellate process.

⁷ For quid pro quo sexual harassment allegations, the designation of "Regulatory" is dependent on the employment of the Respondent. For hostile environment sexual harassment allegations, the designation of "Regulatory" is dependent upon the impact of the unwelcome conduct on the individual targeted.

DISCRETIONARY DISMISSALS FOR ALL ALLEGATIONS

The Title IX Coordinator may dismiss a Formal Complaint brought under this Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

1. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
2. The Respondent is no longer enrolled in, associated with or employed by the University; or,
3. If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

NOTICE OF DISMISSAL

Upon reaching a decision that any specific allegation contained in the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal and the reason for the dismissal, simultaneously to the parties through their institutional or other provided email account. It is the responsibility of parties to maintain and regularly check their email accounts.

In the event a Formal Complaint is dismissed, the University reserves the right to move the case forward with nonregulatory violations of the Student Code of Conduct. Such a decision will be included in the Notice of Dismissal.

APPEALS OF DISMISSALS OF FORMAL COMPLAINTS

The procedures for filing appeals differ slightly depending on whether the respondent is an employee or a student.

Appeals of a dismissal of a formal complaint where the respondent is a student

Each party may appeal the dismissal of a Formal Complaint or any included allegation, or, after a hearing, a determination of responsibility on the following grounds:

1. A procedural irregularity under the University policy or procedures that affected the hearing outcome.
2. New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
3. The Title IX Coordinator, Investigator(s), or Decision Maker(s)/Hearing Officer(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
4. The Disciplinary Sanction imposed was grossly disproportionate to the violation.

The Fourth ground “[t]he Disciplinary Sanction imposed was grossly disproportionate to the violation”, would be pleaded only after a finding of responsibility was made.

Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the ground or grounds for the appeal.

The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable, however, the time for an appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. *If the basis of the appeal is the Disciplinary Sanction imposed was grossly disproportionate to the violation, the other Party will be given 5 days to respond to the Disciplinary Sanctions basis of appeal after being notified of the appeal.*

Appeals will be decided by the University Appeals Board, which will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor, or Decision Maker/Hearing Officer in the same matter.

The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the University Appeals Board is not to reweigh the evidence. The University Appeals Board will confine their review to the basis of the appeal alleged and may modify the sanction on the basis that the severity of the sanction is disproportionate to the violation(s). In the event a Disciplinary Sanction is modified, the other party will be notified of the modified Disciplinary Sanction.

The outcome of the appeal will be provided in writing simultaneously to both Parties and include the rationale for the decision.

APPEALS OF A DISMISSAL OF A FORMAL COMPLAINT WHERE THE RESPONDENT IS AN EMPLOYEE

Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:

1. A procedural irregularity under the University policy or procedures that affected the hearing outcome.
2. New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
3. The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.

Supportive Measures remain available during the pendency of the appeal.

If a Party appeals, the University will notify the other Party in writing of the appeal as soon as practicable, however the time for an appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.

Appeals will be decided by an Appeals Board who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor, or Decision Maker in the same matter.

The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of

an Appeals Board is not to reweigh the evidence. The Appeals Board will confine their review to the basis of the appeal alleged.

G. The outcome of the appeal will be provided in writing simultaneously to both parties and include the rationale for the decision for either upholding the original dismissal or overturning the dismissal decision.

INFORMAL RESOLUTION

Informal means of resolution, such as mediation, may be used as an alternative to the formal investigation and hearing procedures. Informal resolution is a voluntary process and may be used only where a Formal Complaint has been filed. Upon written agreement of all parties, informal resolution may be initiated at any time prior to finding of responsibility in a hearing and may be terminated at any time prior to final resolution. If the informal process is terminated, the Sexual Misconduct Resolution Process, which includes an investigation and hearing, will proceed. Once a final resolution has been reached and documented and signed by all parties, the resolution cannot be appealed.

Informal resolution may **NOT** be utilized when a Student files a Formal Complaint against a University Employee, Volunteer or Official under the Sexual Misconduct Policy.

ADVISOR

Both a Complainant and a Respondent are entitled to one advisor of their choice who can assist them during all phases of a dating violence, domestic violence, sexual assault or stalking case. An advisor is an individual who may be present to provide support to a Party throughout an investigation and/or hearing. Advisors may accompany a Party to any meeting or hearing they are required or eligible to attend, but may not speak for the Party, except for the purposes of cross-examination. Each party is responsible for coordinating and scheduling with their choice of Advisor.

The Advisor may be an attorney or a union representative when applicable. If a party does not have an Advisor of choice present for a hearing, the University will appoint an Advisor for the limited purposes of conducting cross-examination. If a Party does not attend the hearing, the Party's Advisor may appear and conduct cross-examination on the Party's behalf. If neither a Party nor their Advisor appears at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party for the limited purposes of conducting cross-examination. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against a Party, nor is the Advisor prohibited from being a Witness in the Sexual Misconduct Resolution Process.

THE FORMAL PROCESS

The Formal process under both regulatory and non-regulatory violations consists of two separate yet equally important parts- the investigation that establishes the facts of the case and the hearing process that examines those facts. Each policy has its own, slightly different investigatory process.

THE INVESTIGATION

1. GENERAL RULES OF INVESTIGATIONS

The Title IX Coordinator will assign an Investigator to perform an investigation of the conduct alleged under a reasonably prompt timeframe, following the issuance of the Notice of Allegations. West Chester University and not the Parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing.

This does not shift the burden of proof away from the University and does not indicate responsibility. West Chester University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the

records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations). See the **Inspection and Review of Evidence** section below.

2. INSPECTION AND REVIEW OF EVIDENCE

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal

opportunity to meaningfully respond to the evidence prior to issuance of the investigation report.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- a. Evidence that is relevant, even if that evidence does not end up being relied upon by the Decision Maker(s) in making a determination regarding responsibility;
- b. inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

The University will send the evidence to each Party and each Party's Advisor, if any, to inspect and review through an electronic format or a hard copy. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have 10 days to inspect and review the evidence and submit a written response by email to the Investigator. This response should include any new or additional evidence the Party would like the Investigator to consider. The University will provide copies of the Parties' written responses, and any new or additional evidence provided, to the other Party and their Advisor.

The other Party will have 5 days to inspect, review, and respond to the new or additional evidence through a written response to the Investigator. The University will provide copies of the Party's

supplemental written response to the other Party and their Advisor. The Investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension of the time to submit a written response, which may be denied at the sole discretion of the Investigator, in consultation with the Title IX Coordinator.

The Investigator has 10 days to generate a report or after the responses to additional evidence are due or, alternatively, may provide the Parties and their Advisors with written notice extending the investigation and explaining the reason for the extension.

The parties and their Advisors are encouraged not to disseminate the Investigative Report or photograph or otherwise copy any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Sexual Misconduct Resolution Process.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

3. SEXUAL MISCONDUCT INVESTIGATIVE REPORT

The Investigator will create an Investigative Report that fairly summarizes relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e., tending to prove and disprove the allegations – relevant evidence) will be referenced in the Investigative Report.

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report.

4. ONGOING NOTICE

If, in the course of an investigation, the University decides to investigate allegations about either Party that are not included in the Notice of Allegations and are otherwise covered Sexual Misconduct Violations falling within this Policy or other violations of the University's Student Code of Conduct, the University will notify the Parties of the additional allegations by their University email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

THE HEARING

West Chester University uses one hearing format for cases where the conduct is determined to be regulatory or non-regulatory. Thus, while the steps and investigations may be slightly different, the adjudicatory process is identical for both types of sexual misconduct.

1. NOTICE OF HEARING

No less than 10 days prior to the hearing, the Office of Student Conduct will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

2. HEARING

The University will not issue a Disciplinary Sanction arising from an allegation of a violation of this Policy without holding a hearing, unless otherwise resolved through an informal resolution process or an alternate process permitted under this Policy. If the University determines a hearing is necessary, the Parties cannot waive the right to a hearing.

The University may still proceed with the hearing in the absence of a Party, and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate, or discriminate against the Party in an attempt to secure the Party's participation.

If a Party does not participate in a hearing or submit to cross-examination in the hearing, the Decision Maker(s) may not rely on any "statement" by that Party. This aspect of the hearing is discussed below in the section entitled Cross-Examination.

The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer cross-examination or other questions.

The hearing may be conducted with all Parties physically present in the same geographic location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the hearing virtually through video conferencing technology. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors.

All proceedings will be recorded through audio and/or video recording. That recording or transcript will be made available to the Parties for inspection and review upon request.

3. CONTINUANCES OR GRANTING EXTENSIONS

The University may determine multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

4. PARTICIPANTS IN THE HEARING

Hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

- a. The Hearing Officer(s)
- b. The Hearing Chair
- c. Hearing facilitators,
- d. University personnel
- e. The Parties
- f. Advisor of choice or provided by the University for each Party
- g. Witnesses
- h. Any individuals necessary to provide interpretation or other support services associated with reasonable accommodations to facilitate participation in the hearing.

The Hearing Officer(s) will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the case. The Parties will have an opportunity to raise any objections regarding a Decision Maker's actual or perceived conflicts of interest or bias at the beginning of the hearing.

Parties and Witnesses cannot be compelled to participate in the hearing and have the right not to participate in the hearing free from retaliation.

BOARD MEMBER TRAINING

All persons sitting as the decision-makers, either as the Hearing chair or as hearing officers on the board are required to undergo no less than 20 hours of annual training (both federal and Pennsylvania-specific training) through the [Student Conduct Institute](#) based at the State University of New York. Unless and until the training is complete a hearing officer cannot sit on a University Sexual Misconduct Board. Other individuals involved in the process including investigators, and appeals officers are also required to undergo training through SCI. Again, unless and until the training is complete those individuals cannot participate in the hearing process.

DECISIONS

A. General Considerations for Evaluating Testimony and Evidence

1. While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Officer(s).
2. Hearsay evidence may not be used to establish a fact necessary to establish responsibility consistent with the requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.
3. Hearing Officer(s) shall not draw inferences regarding a Party or Witness' credibility based on the Party or Witness' status as a Complainant, Respondent, or Witness, nor shall it base its judgments in stereotypes about how a Party or Witness would or should act under the circumstances.
4. Generally, credibility judgments should rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.
5. Credibility judgments should not rest on whether a Party or Witness' testimony is non-linear or incomplete, or if the Party or Witness is displaying stress or anxiety.
6. Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Officer(s) may draw an adverse inference as to that Party or Witness' credibility.
7. Hearing Officer(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that

occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in an equal fashion.

8. The Final Rule requires the University to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Hearing Officer(s) will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.
9. The Final Rule requires the University to allow parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Hearing Officer(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

B. Timeline for Decision

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University to the complainant and respondent within 10 days of the completion of the hearing. The complainant and respondent have the right to appeal the

C. Finality

The determination regarding responsibility becomes final either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested as outlined in the Appeals section below.

SANCTIONS

If the Decision-Maker determines, by a preponderance of the evidence, that the student, employee, or official violated the Sexual Misconduct Policy, the written determination of responsibility containing a details explanation of that which was discussed in the Decisions Section, above, will also contain the sanction imposed on the respondent.

DISCIPLINARY SANCTIONS AGAINST STUDENTS POSSIBLE DISCIPLINARY SANCTIONS

The University may impose the following Disciplinary Sanctions upon Students, singly or in combination, and are listed with the description of violations. Sanctions may include the following: disciplinary reprimand, disciplinary probation, final disciplinary probation, disciplinary suspension, and expulsion. These sanctions may be in conjunction with and run concurrently with residential sanctions including residential probation, residential suspension, and residential loss of housing. A no-contact order may be imposed along with these sanctions.

PREVIOUS DISCIPLINARY SANCTIONS

Previous Disciplinary Sanctions of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

TIMING

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

DISCIPLINARY SANCTIONS AGAINST EMPLOYEES, OFFICIALS, AND VOLUNTEERS

POSSIBLE DISCIPLINARY SANCTIONS

Disciplinary Sanctions imposed on an Employee for violating this Policy, subject to an applicable collective bargaining agreement or University/System policies, may include a penalty up to and including separation from employment. Disciplinary Sanctions imposed on an Official or Volunteer may include a penalty up to removal or the request for the removal of the Official or Volunteer from their respective position.

TIMING

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

APPEALS

APPEALS WHERE THE RESPONDENT IS A STUDENT

- A. Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:
 1. A procedural irregularity under the University policy or procedures that affected the hearing outcome.
 2. New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
 3. The Title IX Coordinator, Investigator(s), or Decision Maker(s)/Hearing Officer(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
 4. The Disciplinary Sanction imposed was grossly disproportionate to the violation.
- B. Appeals must be made in writing by the published appeal date noted on the letter and submitted via the Conduct Outcome Appeal link contained within the letter or by clicking the link on the Student Conduct website.
- C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures and remote learning opportunities remain available during the pendency of the appeal.
- D. If a party appeals, the University will notify the other party in writing of the appeal as soon as practicable, however, the time for an appeal shall be offered equitably to all parties and shall

not be extended for any party solely because the other party filed an appeal. If the basis of the appeal is the Disciplinary Sanction imposed was grossly disproportionate to the violation, the other Party will be given 5 days to respond to the Disciplinary Sanctions basis of appeal after being notified of the appeal.

- E. Appeals will be decided by the University Appeals Board, who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor, or Decision Maker/Hearing Officer in the same matter.
- F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence. The role of the University Appeals Board is not to reweigh the evidence. The University Appeals Board will confine their review to the basis of the appeal alleged and may modify the sanction on the basis that the severity of the sanction is disproportionate to the violation(s). In the event a Disciplinary Sanction is modified, the other party will be notified of the modified Disciplinary Sanction.
- G. The outcome of the appeal, including any change to the result of the case, will be provided in writing simultaneously to both parties and include the rationale for the decision

APPEALS WHERE THE RESPONDENT IS AN EMPLOYEE

- A. Each Party may appeal the dismissal of a Formal Complaint or any included allegations or a determination of responsibility on the following grounds:
 1. A procedural irregularity under the University policy or procedures that affected the hearing outcome.
 2. New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
 3. The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.
- B. Appeals must be filed in writing within 5 days of being notified of the decision and must indicate the grounds for the appeal.
- C. The submission of an appeal stays any Disciplinary Sanctions for the pendency of an appeal. Supportive Measures remain available during the pendency of the appeal.
- D. If a Party appeals, the University will notify the other Party in writing of the appeal as soon as practicable, however, the time for an appeal shall be offered equitably to all Parties and shall not be extended for any Party solely because the other Party filed an appeal.
- E. Appeals will be decided by an Appeals Board who will be free of conflict of interest and bias, and will not serve as an Investigator, Title IX Coordinator, Advisor, or Decision Maker in the same matter.
- F. The appealing party must meet its burden to demonstrate the outcome was affected by a preponderance of the evidence.

The role of an Appeals Board is not to reweigh the evidence. The Appeals Board will confine their review to the basis of the appeal alleged.

- G. The outcome of the appeal, including any change to the result of the case, will be provided in writing simultaneously to both parties and include the rationale for the decision.

PROCEDURES FOR NON-TITLE IX, I.E. NON-REGULATORY VIOLATIONS.

The process described below applies to the complaint and investigations procedure for complaints filed against non-students for sexual harassment or misconduct not regulated by Title IX of the Educational Amendments of 1972. This would include but is not limited to allegations of Title VI and Title VII of the Civil Rights Act of 1964.

Call Out [If a Student is a Respondent, the procedures outlined in the Sexual Misconduct Policy will be followed.]

The Complaint Process for Non-Title IX Sexual Harassment or Misconduct

The process below only applies to complaints filed against non-students for sexual harassment or misconduct not regulated by Title IX of the Educational Amendment of 1972. This would include but is not limited to, allegations in violation of Titles VI and VII of the Civil Rights Act of 1964.

Employees, whether Complainants or Respondents have the right to be assisted in all aspects of the complaint procedure by their union representative. The complainant also has the right to be assisted in all aspects of the complaint procedure by an advisor should they desire to do so. If an employee elects to be represented by his or her union, the union will receive copies of all written notifications. Employees equally have the right not to be represented by their union. This decision rests solely with the employee. The role of the representative is limited to the advice and counsel of their principals only. Representatives cannot question, answer, or provide advice during an interview or hearing. However, parties can request a brief recess to consult their representative.

INITIATING A COMPLAINT

To process an allegation of sexual harassment or sexual misconduct not falling under the 2020 Title IX regulations, the individual, accompanied by an advocate if they wish, must process the complaint through the Office for Diversity, Equity, and Inclusion. Knowingly false or malicious accusations may result in disciplinary action.

Complaints should be filed up to 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.

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**
(215) 440-2600 300 days]

The process is initiated when the Director for Equity and Compliance receives a complaint or report of a violation of WCU policy relating to sexual harassment or misconduct not covered by Title IX regulations. The Complainant will provide a written statement to the Director with sufficient factual information to permit the Director to make an initial assessment of violation.

The Director will determine if any supportive measures should be applied. Following the initial assessment, the Director may take any of the following actions:

- If the Director for Equity and Compliance determines that the complaint, even if substantiated, would not rise to the level of a policy violation; the nature and circumstances of the report do not make it appropriate for an investigation; or, after consultation with the Complainant about the Complainant's preferences regarding participation, the Director determines that there will be insufficient information to investigate the matter, and the Director may dismiss the complaint. The Complainant will be advised of the dismissal and any other recourse that might be appropriate.
- If the Director for Equity and Compliance determines that the complaint is outside the scope of the sexual harassment or sexual misconduct policies and/or most appropriately handled by another office, the Director may refer the complaint to another office for review.
- If the Director for Equity and Compliance determines that the complaint or report would, if substantiated, constitute a violation of policy, the Director will advise the Complainant of the types of processes available.
- If the Complainant chooses not to move forward with either process or if the Complainant is anonymous, the Director for Equity and Compliance may notify the Respondent of the information reported and the possible repercussions if a formal complaint is brought forward.

The Director may schedule a meeting with the Respondent (and their representative, if desired by the Respondent) to pass on this information, answer questions, and provide assistance. The Director may recommend voluntary training for an individual or a work unit. The reported information will be maintained by the Office for

Diversity, Equity, and Inclusion for a period of 7 years. However, no written record will be forwarded to a student's education file or an employee's official personnel file.

- The Director for Equity and Compliance may choose to move forward with the complaint process even if the Complainant withdraws their complaint or remains anonymous.
- The Office for Diversity, Equity, and Inclusion reserves the ability to consider whether a violation can be reviewed if it is reported outside the 180 days for filing a complaint. Factors that affect that consideration include the following:
 - Amount of time beyond 180 days,
 - Whether the alleged behaviors may represent a violation of the University's Sexual Harassment Policy,
 - The severity of the allegations,
 - The University's risk of failing to address the allegations, and
 - Whether the allegations represent a possible pattern of behavior for the respondent.

Notification Procedure when an employee is a Respondent⁸

1. If the complainant is a student enrolled at the time in the class of the respondent, he or she may request that notification and mediation be delayed until after the completion of the semester.
2. The Director for Equity and Compliance will send a notification to the Provost's office (for faculty) or Division Head (for other staff).
3. The Provost or Division Head will send a notification letter to the Respondent that summarizes the complaint.
4. When a formal investigation is to be conducted against a faculty member, Article 42 of the APSCUF collective bargaining agreement will also govern.

Investigations may take place at any time in the resolution process after notification to the respondent at the discretion of the Director for Equity and Compliance. The fact-finding 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, or an employee's collective bargaining agreement.

Choice of Process by Complainant

There are two types of complaint-resolution mechanisms: a formal process that involves investigation and possible conduct proceedings, an informal process that may or may not involve investigation, and less formal procedures. The complainant initiates the formal or informal process, with the concurrence of the respondent, after filing a written complaint with the Office for Diversity, Equity, and Inclusion.

Informal Process

The informal process includes efforts to mediate a resolution upon which both the complainant and the individual respondent can agree.

Upon receipt of the complaint, notification to the respondent of the allegations, the complainant's desire for mediation, and the respondent's concurrence to the informal process, the Director for Equity and Compliance for Equity and Compliance may facilitate

a resolution or appoint a mediator(s) and 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 informal process. Mediation is described below:

1. The mediation may be conducted by separate discussions with the parties or in meetings with both parties present, depending on the circumstances and the mediator's best judgment.
2. If either party chooses to withdraw from the mediation process, the Director for Equity and Compliance will move forward with the formal complaint process.
3. After the mediation, the mediator(s) will provide a written statement of the resolution agreed to by both parties to the Director for Equity and Compliance. The informal resolution process may recommend the following types of outcomes, where appropriate:
 4. facilitating an agreement between the parties, separating the parties, referring the parties to counseling programs, conducting targeted educational and training programs, and mediation.
 5. If the parties involved in the informal resolution process fail to reach a mutually agreeable outcome for the alleged conduct, the allegation will be resolved via the formal investigation process.
 6. The Director for Equity and Compliance will send a written summary of the outcome to the parties.
 7. If the Director for Equity and Compliance decides that there is a need, the formal process may be initiated on behalf of the University at any time.
 8. All written summaries of the informal complaint process will be maintained by the Office for Diversity, Equity, and Inclusion for a period of 7 years. No written record will be forwarded to the employee's official personnel file and for employees who are respondents, a successful informal resolution will not result in disciplinary proceedings. For students who are respondents, the matter may be forwarded to the Office for Student Conduct.
 9. Completed informal resolutions are binding and may not be appealed.

If either party decides to discontinue the informal process or upon a decision by the Director for Equity and Compliance the formal process will be initiated. The formal process is described below:

A complainant may initiate formal procedures. Formal procedures, which may result in a disciplinary proceeding, include a fact-finding and review process.

After accepting a written formal complaint, the Director for Equity and Compliance will appoint a fact finder. When appropriate, as determined by the Director, two fact finders may be assigned to a case. The parties will be notified of the fact-finder's identity. Fact finders are specifically trained, impartial faculty members or staff members. The fact finder's role is to investigate complaints and makes findings of fact about the complaint.

1. The investigation generally includes interviews with the parties, any relevant witnesses, and a review of relevant documents (text

⁸ When the respondent is a student the procedures outlined in the Sexual Misconduct Policy are used.



messages, emails, etc.). Participants in an investigation are advised that maintaining confidentiality is essential to protect the integrity of an investigation. At any time during the investigation, the investigator may recommend to the Director for Equity and Compliance that interim measures be provided to the Complainant, Respondent, or witnesses. Violations of these interim measures may be considered a separate violation of policy.

2. Employees whose positions are covered by collective bargaining units may request advocacy from their respective unions for an investigative interview. Representatives cannot question, answer, or provide advice during an interview or hearing. However, parties can request a brief recess to consult their representative.
3. During an investigative interview, the interviewee is expected to answer the questions, not his or her representation.
4. The investigator(s) will take notes during the interview and provide each participant with a summary of the interview for review. Any substantive changes to the content after the review by the participant may be noted in the final report.
5. The investigation shall be completed as promptly as possible, and in most cases, within fifty (50) business days of the date, the formal complaint was filed. A total of two attempts (by email, text, or phone) will be made to schedule investigative interviews. Failure to respond to scheduling requests will result in proceeding with the investigation without input from that individual.
6. After the investigation, the investigator will prepare a written report that includes a statement of the allegations and issues, identification of facts, reviewed evidence, and a determination of whether the alleged actions may have violated University policy using the preponderance of evidence standard, and any recommendations.
7. The fact-finders will submit a report of their findings to the Director for Equity and Compliance. The Director will formulate an opinion as to whether there has been a violation of the University's Sexual Harassment or Sexual Misconduct Policy.

If it is the opinion of the office that there is insufficient evidence to warrant a finding of a policy violation, the complainant and the respondent will be so notified and the case will be closed. The Office for Diversity, Equity, and Inclusion maintain the right to refer the case to other appropriate University officials if it appears that there may be violations of the University's Misconduct Policy or other University policies.

If it is the opinion of the Director for Equity and Compliance that there is reasonable cause to believe that the University's Sexual Harassment or Sexual Misconduct Policy has been violated, the office will forward the investigative report and the Director's opinion to the appropriate manager.

The Director for Equity and Compliance will forward the investigative report and the Director's opinion to the appropriate manager (for employee respondents) or the Office of Student Conduct (for student respondents), who will follow appropriate University adjudication procedures.

For student respondents, the procedures to be followed are outlined in the STUDENT CODE OF CONDUCT.

For employee respondents, the manager will utilize the existing University pre-disciplinary conference procedures ensuring that the respondent employee can be represented, if so desired, by his or her union representative during the pre-disciplinary conference.

At the pre-disciplinary conference, the respondent will have an opportunity to rebut the findings of the investigative report and the opinion of the Director for Equity and Compliance. After completing the pre-disciplinary conference, the manager in consultation with the Associate Vice President and Chief Human Resources Officer, and other University officials, as needed, will determine if discipline is appropriate and what level of discipline should be imposed.

Possible disciplinary actions for violation of the University's Sexual Harassment or Sexual Misconduct policy include oral or written reprimand, suspension, or termination of employment. The manager is not bound by the opinion of the Director for Equity and Compliance and reserves the right to make his or her final determination. 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 notification that the complaint has been reviewed and addressed by a University official. In addition to the internal complaint process, a complainant may pursue the complaint with the appropriate external agencies.

This policy and the procedures addressed herein are in addition to, and not a replacement for, criminal remedies that may be available. Anyone interested in pursuing a criminal complaint should contact the Office of Public Safety at 610- 436-3311 or dial 911 in case of an emergency.

If the incident occurred off-campus, the WCU Police Department will assist the complainant in filing The complaint in the appropriate jurisdiction.

HEOA DISCLOSURE STATEMENT

Under the Sexual Misconduct Policy, the University will disclose the outcome of a disciplinary proceeding alleging sexual misconduct to both the complainant and the respondent individuals. Additionally, the University may disclose the results of a disciplinary proceeding brought against the alleged perpetrator to the alleged complainant of any crime of violence, as that term is defined in 18 U.S.C. 16. If the victim is deceased as a result of the crime, the University will notify the next of kin.

NOTES FOR THE JEANNE CLERY ACT STATISTICS REPORT (CHART 1)

- a. Statistics in these categories depict arrests for all liquor, drug, and weapons law violations and include both student and nonstudent arrests. Students arrested for these violations are typically referred to the Office of Student Conduct.
- b. A report is considered unfounded and removed from crime statistics when sworn or commissioned law enforcement officers have fully investigated the crime report and have determined that report to be false or baseless.

NOTES FOR THE PENNSYLVANIA UNIFORM CRIME REPORTING ACT STATISTICS REPORT (CHART 2)

- c. Under Uniform Crime Report (UCR) Part I Crimes guidelines, the crime of Rape includes Rape, Attempted Rape, and Sexual-Assault.

- d. Under UCR Part II Crimes guidelines, Assaults-Non-aggravated include simple assaults as well as harassment incidents involving a threat to assault.
- e. Under UCR Part II Crimes guidelines, Sex Offenses (excluding Prostitution and Rape) include Indecent Assault and Indecent Exposure.
- f. All Other Offenses (except traffic) include but are not limited to, trespass and violation of city ordinances.

Chart 1 contains the statistics for those offenses reported to the West Chester University Police Department by the Philadelphia Police Department consistent with the annual request made for such information, and University personnel who have significant responsibility for student life and campus activities.

Chart 2 contains the statistics for those offenses reported to the West Chester University Police Department by the Philadelphia Police Department consistent with the annual request made for such information. These offenses are only those recorded for the Uniform Crime Report (UCR). These UCR statistics are for crimes that occurred within the Lits Building and on the sidewalk outside of the Lits Building. *****Note- none of the crimes listed in Chart 2 occurred within the suites of offices that make up the Philadelphia Campus.*****

Chapter 3 of the Pennsylvania Uniform Crime Reporting Act (18 P.S. § 20.301, et seq.) requires the release of crime statistics and crime rates to students and employees, and it requires that those statistics be available to applicants and new employees upon request. The crime rate is determined by a formula specified by the Uniform Crime Reporting Act and is calculated by dividing the number of reported crimes (*r*) by the number of full-time equivalent (FTE) students and employees, then multiplying that number by 100,000. The formula looks like this.

$$r/FTE \times 100,000 = \text{Crime Rate}$$

FIRE SAFETY REPORT AND FIRE LOG

The Philadelphia Center location does not have on-campus student housing facilities and so is not required to maintain a fire log nor is this location required to produce a fire safety report.

Chart 1: Crimes Reported to the Philadelphia Police Department or Campus Security Authorities at the Philadelphia Campus

OFFENSE	YEAR	TOTAL ON-CAMPUS PROPERTY	ON-CAMPUS RESIDENTIAL FACILITIES*	NON-CAMPUS BUILDINGS OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED CRIMES*
Murder/ Nonnegligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	0	0	0	1	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	4	0
	2022	0	0	0	4	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	3	0
	2022	0	0	0	3	0
	2021	0	0	0	3	0
Burglary	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arrests: Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arrests: Drug Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arrests: Weapons Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

Chart 1: Crimes Reported to the Philadelphia Police Department or Campus Security Authorities at the Philadelphia Campus

OFFENSE	YEAR	TOTAL ON-CAMPUS PROPERTY	ON-CAMPUS RESIDENTIAL FACILITIES*	NON-CAMPUS BUILDINGS OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED CRIMES*
Murder/ Nonnegligent Manslaughter	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Manslaughter by Negligence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Rape	2023	0	0	0	1	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Fondling	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Incest	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Robbery	2023	0	0	0	4	0
	2022	0	0	0	4	0
	2021	0	0	0	0	0
Aggravated Assault	2023	0	0	0	3	0
	2022	0	0	0	3	0
	2021	0	0	0	0	0
Burglary	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Motor Vehicle Theft	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arson	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arrests: Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Arrests: Drug Law Violations	2023	0	0	0	0	0
	2022	0	0	0	1	0
	2021	0	0	0	0	0

Arrests: Weapons Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Disciplinary Referrals: Drug Law Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Disciplinary Referrals: Weapons Violations	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0
Domestic Violence	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	2	0
Stalking	2023	0	0	0	0	0
	2022	0	0	0	0	0
	2021	0	0	0	0	0

For 2021, 2022 and 2023 there were no hate crimes reported on the Philadelphia Campus

For 2021, 2022, and 2023 there were no unfounded crimes on the Philadelphia Campus

For the 2023 calendar year, the Philadelphia Police Department provided detailed crime statistics to West Chester University consistent with the University's annual, good-faith requests.

*The Philadelphia Center does not have any residential facilities so this column will always be zero

Chart 2: West Chester University, Philadelphia Center Statistics, Crimes Reported to WCU Police Department

Crime Categories	2023 FTE= 108.1		2022 FTE= 147.5		2021 FTE= 197.7	
	Actual Offenses	Crime Rate*	Actual Offenses	Crime Rate*	Actual Offenses	Crime Rate*
Part I Offenses						
Criminal Homicide						
Murder and nonnegligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Forcible Rape						
Rape by Force	0	0	1	677.9661017	0	0
Assault to Rape- Attempts	0	0	0	0	0	0
Robbery						
Firearm	0	0	0	0	2	1011.633789
Knife or Cutting Instrument	0	0	0	0	1	505.8168943
Other Dangerous Weapon	3	2775.208141	4	2711.864407	1	505.8168943
Strong Arm (Hands Fists, Feet, etc)	0	0	0	0	0	0
Assault- Aggravated						
Firearm	0	0	0	0	0	0
Knife or Cutting Instrument	1	925.0693802	0	0	0	0
Other Dangerous Weapon	3	2775.208141	3	2033.898305	0	0
Hands, Fist, Feet, etc.	0	0	0	0	3	1517.450683

Burglary						
Forcible Entry	0	0	0	0	2	1011.633789
Unlawful Entry- No Force	0	0	0	0	0	0
Attempted Forcible Entry	0	0	0	0	0	0
Larceny- Theft (Exc. Motor Vehicles)	0	0	2	1355.932203	2	1011.633789
Motor Vehicle Theft	0	0	0	0	0	0
Autos	1	925.0693802	0	0	0	0
Trucks and Buses	0	0	0	0	0	0
Other Vehicles	0	0	0	0	0	0
Arson	0	0	0	0	0	0
TOTAL PART I OFFENSES	8	7400.555042	10	6779.661017	11	5563.985837
PART II OFFENSES						
Assault- Nonaggravated	0	0	0	0	3	1517.450683
Forgery	0	0	0	0	0	0
Fraud	0	0	2	1355.932203	1	505.8168943
Embezzlement	0	0	0	0	0	0
Stolen Property, Receiving, Possession, etc.	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0
Weapons, Carrying, Possession, etc.	3	2775.208141	0	0	2	1011.633789
Prostitution and Commercialized Vice	0	0	0	0	0	0
Sex Offenses (Excluding Prostitution and Rape)	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
S Opium- Cocaine	0	0	0	0	0	0
A Marijuana	1	925.0693802	0	0	1	505.8168943
L Synthetic	0	0	0	0	0	0
E Other	0	0	0	0	0	0
P Opium- Cocaine	0	0	0	0	0	0
O Marijuana	0	0	0	0	0	0
S Synthetic	0	0	0	0	0	0
S Other	0	0	0	0	0	0
Gambling	0	0	0	0	0	0
Bookmaking	0	0	0	0	0	0
Numbers, etc.	0	0	0	0	0	0
Offenses Against Family and Children	0	0	0	0	0	0
Driving Under the Influence	0	0	0	0	1	505.8168943
Liquor Laws	0	0	0	0	0	0
Drunkenness	0	0	0	0	0	0
Disorderly Conduct	0	0	0	0	0	0
Vagrancy	0	0	0	0	0	0
ALL Other Offenses (excluding Traffic)	0	0	7	4745.762712	2	1011.633789
PART II OFFENSES	4	3700.277521	9	6101.694915	10	5058.168943
TOTAL PART I AND PART II OFFENSES	12	11100.83256	19	12881.35593	17	8598.887203

* The Crime Rate is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula.

The Crime Rate in the table above is based on incidents reported per 100,000 FTEs.

The figures above are the decimalized product of the UCR formula.

For the 2023 calendar year, the Philadelphia Police Department provided detailed crime statistics to West Chester University consistent with the University's annual, good-faith requests.

Contact Numbers

Philadelphia Police Department

For emergencies dial 911, or 215-686-8477

Department of Public Safety

610-436-3311

The Office of Diversity Equity and Inclusion

610-436-2433

Counseling and Psychological Services (Counseling Center)

610-436-2301

Office of Wellness Promotion

610-436-2509

Office of Student Conduct

610-436-3511

Center for Women and Gender Equity

610-436-2122

It's the Law

Federal and Pennsylvania state laws mandate that you receive a brochure like this and dictate much of the information that is included.

If you would like to have a paper copy of the report mailed to you, call 610-436-3311. You may also pick one up at the West Chester University Police Department in the Peoples Building at Church Street and University Avenue or the front desk of Philadelphia Center during normal business hours. Or you can visit the Department of Public Safety Website at www.wcupa.edu for more information.