

# WCU

# WEST CHESTER UNIVERSITY

## 2019 ANNUAL SECURITY AND FIRE SAFETY REPORT



Reporting for the WCU Main Campus, Graduate Center and Exton Campus



## TABLE OF CONTENTS

### 2019 ANNUAL CAMPUS SECURITY AND FIRE SAFETY REPORT

Introduction	4
University Student / Employee Populations – Fall Semester 2018	5
Geographic Locations for Clery Reporting	6
Crime Reports	6
Who is responsible for campus security?	7
What is the policy on encouraging the reporting of crime?	8
Voluntary Confidential Reporting of Crimes - On-campus locations and phone numbers	8
What is the enforcement authority and jurisdiction of WCU Public Safety personnel?	10
How does the Department of Public Safety work with state and local police?	10
What is the policy on reporting criminal incidents to state and local police?	10
What are the procedures for students and others to report criminal activity or other emergencies occurring on campus and how does the University respond to such reports?	10
Daily Crime Log	12
Fire Log	12
How does the University notify the campus community of crimes that may pose a serious or continuous threat to students and employees?	12
How does the University notify the campus community of emergency response and evacuation procedures?	14
Annual Emergency Preparedness Exercise	14
How and when does West Chester University inform the campus about an immediate threat and what is the West Chester University policy on notifying the campus community of an emergency?	16
How are emergency evacuations handled at West Chester University?	18
Evacuation Procedures for Persons with Disabilities	20
What is the policy for the Preparation of the Annual Security Report?	20
What is the policy about access to the University's facilities and programs by students, employees, guests and other individuals?	21
What Security Awareness Programs are available at West Chester University to inform students and employees about security and enforcement procedures?	22
What type of student housing is available at West Chester University?	23
What is the policy on housing assignments and requests by students for assignment changes?	23
How are student-housing facilities secured at West Chester University?	24
How many of West Chester University employees are assigned to University and affiliated housing facilities?	24
What is the policy for housing students during low occupancy periods such as holidays and vacations?	24
What is the policy for housing guests or others not assigned to student housing or not regularly associated with the University?	25
What other areas on campus are staffed by Public Safety?	25
What security considerations does West Chester University use in the maintenance of campus facilities, including landscaping, grounds-keeping and outdoor lighting?	25
What is the policy on possession, use or sale of alcohol and illegal drugs?	25
What types of drug and alcohol abuse educational programs are offered at West Chester University?	27
What are the penalties for those criminally charged with the abuse of drugs and alcohol?	27
Where can I obtain more information on the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state and local laws as well as University Policy; a description of health risks associated with alcohol and other drug use and a description of available treatment programs for WCU students and employees?	27
What is the policy on possession and use of weapons by Public Safety personnel or others?	28
What is the policy regarding employees or students with criminal records?	28
What is the policy on investigating missing students who reside in on-campus housing?	28
What is the policy concerning monitoring non-campus crime?	29
Fire Safety Report	30
Student Housing Fire Safety Systems	36
Fire Statistics	37
Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act Of 2013	40
Definitions	40

What types of programs are offered to educate and prevent sex offenses and what is the West Chester University policy for reporting these offenses and assisting the victims of reported sex crimes?	44
Procedures for reporting a complaint	49
Assistance for Victims - Rights & Options	53
Frequently Asked Questions Regarding PFA'S	54
On and Off Campus Services for Victims	59
How to be an active bystander	60
Adjudication of Violations	63
Student sexual misconduct policy and procedures overview	63
Confidentiality and Reporting	64
Employee sexual misconduct policy and procedures overview	65
The Complaint Process	67
West Chester University Disciplinary Procedure	68
Federal Timely Warning Notice	94
Sex Offender Registry	94
Appendix A - Main Campus	95
Appendix B - Graduate Center	99
Appendix C - Exton Campus - Arrest Statistics	103
Appendix D - Mass Notification Policy	107
Appendix E - Clery Designated Definitions	113
Appendix F - Definitions of terms as defined by Pennsylvania State criminal statutes	119
Appendix G - Physical Addresses for Campus Properties	138





## INTRODUCTION

West Chester University of Pennsylvania is a comprehensive, state-owned institution, the largest of the 14 institutions that comprise the Pennsylvania State System of Higher Education. The main campus is located in West Chester, Chester County, Pennsylvania approximately 25 miles west of Philadelphia and 17 miles north of Wilmington, Delaware. Residential facilities for the University are located at the main campus only. West Chester University has a Graduate Center located approximately 4 miles from the main campus at 1160 McDermott Drive in West Goshen Township, Chester County, Pennsylvania. The West Chester University Exton Campus is located approximately 7.5 miles from the main campus at 930 East Lincoln Highway Suite 100 in West Whiteland Township, Chester County, Pennsylvania. The Exton campus houses the Department of Nursing.

West Chester University also has an agreement with the Marple Campus of the Delaware County Community College to host classes allowing DCCC graduates to earn a B.S. in Business Management through WCU. For information regarding security policies and crime statistics at the DCCC Marple Campus, go to <https://www.dccc.edu/sites/default/files/about/about-the-college/safety-and-security/2017B%20ANNUAL%20SECURITY%20REPORT%20CALENDAR%20YEARS.pdf>

All policy statements in this report apply to all West Chester University Campuses unless otherwise indicated. Safety of the University's campuses is a natural source of concern for students, parents and employees. No campus is entirely isolated from crime and West Chester University is no exception. However, West Chester University has developed policies and implemented procedures in order to increase safety and security awareness and to provide precautionary measures for all campus community members. This publication is designed to provide an overview of the Department of Public Safety as well as information regarding other safety and security measures that have been instituted at West Chester University.



West Chester University, as a recipient of federal Title IV student financial aid, is required to adhere to the provisions of the Jeanne Clery Disclosure and Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the Clery Act. One provision of the Clery Act is that all post-secondary institutions receiving federal Title IV financial aid must publish an annual report disclosing campus security policies and three years' worth of selected crime statistics. In compliance, this report is prepared by the Department of Public Safety and made available to the campus community and others, with the cooperation of local law enforcement agencies and various University offices including the Office of Student Conduct, the Office of the Title IX Coordinator, the Office of Residence Life and Housing Services, the Student Health Center, the Center for Women and Gender Equity, the Counseling Center, the Office of Institutional Research, Facilities Department and the Department of Athletics. This publication is distributed in accordance with the Pennsylvania College and University Security Information Act (24P.S. §§2502-1, 2502-5) and the following federal statutes: Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Section 486 (e) of Public Law 105-244 and the Accuracy in Campus Crime Reporting Act of 1997.

**STUDENT AND EMPLOYEE POPULATION  
FALL SEMESTER 2018**

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

**MAIN CAMPUS**

<b>ENROLLMENT</b>		<b>RESIDING ON CAMPUS</b>	
Undergraduate	14,587	Undergraduate	5,084
Graduate	2,960	Graduate	51
Total	<b>17,527</b>	Total residing on campus	<b>5,135</b>
Non-Student Employees		1,987	
<b>Total Main Campus</b>		<b>19,514</b>	

**GRADUATE CENTER**

<b>ENROLLMENT</b>	
Undergraduate	58
Graduate	180
Total	<b>238</b>
Non-Student Employees	45
<b>Total Graduate Center Campus</b>	<b>283</b>

**EXTON CAMPUS**

<b>ENROLLMENT</b>	
Undergraduate	10
Graduate	37
Total	47
Non-Student Employees	14
<b>Total Exton Campus</b>	<b>63</b>

**DCCC CAMPUS**

<b>ENROLLMENT</b>	
Undergraduate	3
Graduate	0
Total	3
Non-Student Employees	2
<b>Total DCCC Campus</b>	<b>5</b>

<b>Total student / employee population</b>	<b>19,865</b>
--	---------------

## **GEOGRAPHIC LOCATIONS FOR CLERY REPORTING**

The University is required to report statistics for Clery designated crimes and to issue timely warnings for those crimes that represent a severe and continuing threat in the following geographic locations:

### **On Campus**

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

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

University owned or controlled buildings and property located at the Main and the Graduate Center Campus', those portions of buildings controlled by West Chester University at the Exton Campus and the Marple Campus of the Delaware County Community College, student housing facilities owned by the WCU Foundation and operated by University Student Housing located on main campus, the houses owned by the WCU Foundation and operated by University Student Housing located at 812 South Church Avenue in West Goshen Township and 534 South High Street in the Borough of West Chester and all parking structures located on campus will be included as "On Campus" properties. All crimes that were reported as occurring in WCU residential facilities will be a sub-set of "On Campus".

### **Public Property**

*All public property, including thoroughfares, streets and sidewalks that are within the campus, or immediately adjacent to and accessible from the campus.*

For West Chester University, all streets, alleyways, sidewalks and parks that are directly adjacent to campus or that bisect campus will be included as "Public Property"

### **Non- Campus**

*Any building or property owned or controlled by a student organization that is officially recognized by the institution; or*

*Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonably contiguous geographic area of the institution.*

For West Chester University, houses located at 614 South Walnut Street and 626 South High Street in the Borough of West Chester would be included as "Non-Campus".

## **CRIME REPORTS**

Clery crimes, arrests and disciplinary action along with Uniform Crime Reporting statistics are located in Appendices A-C.

All policy statements in this Annual Security and Fire Safety Report apply to the Main Campus, Graduate Center and Exton Campus unless otherwise stated in this report.

### Who is responsible for campus security? (Main Campus)

The Department of Public Safety is responsible for providing security on West Chester University's Main campus.

The Division of Police Services consists of 25 full-time sworn police officers who have received training under the Municipal Police Officers' Education and Training Act (Act 120) and their police commission from the Governor and the Secretary of Education of Pennsylvania. These officers are also required to attend annual update training under Act 180. The Division of Police Services also employs 4 full-time emergency dispatchers who receive training through APCO (Association of Public Safety Communications Officials).



The Division of Security Services employs 17 full-time and 20 part-time seasonal non-sworn security officers. Their primary responsibility is to provide security coverage in and around the main campus residential areas. There are security officers assigned to academic facilities as well.

The Division of Electronic Security Services employs 3 full-time employees who are primarily responsible for the operation and maintenance of the campus card access system, CCTV systems and emergency phone systems.

The Division of Parking Services employs 4 full-time and 1 part-time Parking Enforcement officers. These officers are responsible for enforcement of all parking regulations and also are involved in monitoring the parking lots and garages during their tour of duty.

All full-time employees of the Department of Public Safety receive, in addition to any state mandated or specialty training, in-service training annually, including CPR and first aid training.

### Who is responsible for campus security? (Graduate Center)

The Department of Public Safety is responsible for providing security only during specific times at the Graduate Center. A Security Officer is posted at the site from 5:00 pm until 10:00 pm Monday through Thursday during the academic year. The West Goshen Township Police Department is responsible for responding to and investigating all criminal incidents and emergencies that occur at the Graduate Center.



## Who is responsible for campus security? (Exton Campus)

The Department of Public Safety is responsible for providing security only during specific times at the Exton campus. A Security Officer is posted at the site from 4:30 pm until 8:30 pm Monday, Wednesday and Thursday during the academic year. The West Whiteland Township Police Department is responsible for responding to and investigating all criminal incidents and emergencies that occur at the at the Exton campus.

## What is the policy on encouraging the reporting of crime?

The University and the Department of Public Safety strongly encourage faculty, staff, students and guests to accurately and promptly report any crimes or suspicious activity in a timely manner to the Department of Public Safety for inclusion in the annual statistics and for the purpose of assessing whether a timely warning notice or immediate notification should be sent to the University community. The West Chester University main campus community is to notify the Department of Public Safety by calling 610-436-3311, those at the Graduate Center campus should notify the West Goshen Township Police by calling 610-696-7400 or dialing 911 and those at the Exton Campus should notify the West Whiteland Township Police by calling 610-363-9525 or by dialing 911 for any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus.

Those incidents reported to pastoral and professional counselors are not included in campus crime statistics. Pastoral and professional Counselors, when acting as such, are not considered to be a campus security authority for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics.

**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.

As a matter of policy, the professional counselors at West Chester University are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to the Department of Public Safety on a confidential basis for inclusion in the annual disclosure of crime statistics.

However, reports of criminal activity that are brought to the attention of the Dean of Students, Residence Life and Housing Services, any student organization or activity advisor, athletic coaches, intramural sport advisors, and medical health professionals 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.

## What are the on-campus locations and phone numbers for voluntary reporting of crimes?

If you are the victim of a crime and 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. With your



permission, 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, determine where there is a pattern of crime with regard to a particular location, method, or assailant and alert the campus community to a potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

## Other Reporting Resources

For those wishing to report a criminal incident, whether a victim, witness or third party, reports may be made to the following offices where further options will be discussed with the reporting party. Members of the community are helpful when they immediately report crimes or emergencies to the Department of Public Safety and/or the report resources below (this list is not intended to be an all-inclusive listing of campus security authorities) for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notice, when deemed necessary. Incidents can also be reported by using one of the provided emergency phones located throughout the campus.

Department of Public Safety	610-436-3311	Peoples Building
Director of Public Safety	610-436-3478	Peoples Building
VP for Student Affairs	610-436-3301	624 South High Street
Director of Residence Life	610-436-3307	Lawrence Center
Director of Student Conduct	610-436-3511	Ruby Jones Hall Room 200
AVP Human Resources	610-436-3309	201 Carter Drive Suite 100
Director of Student Health	610-436-2509	Commonwealth Hall Ground
Director of Social Equity	610-436-2433	114 West Rosedale Avenue
Exec. Director of Communications	610-436-3383	13/15 University Avenue
Director Center for Women	610-436-2122	Lawrence Center
Director of Admissions	610-436-3414	Messikomer Hall



## What is the enforcement authority and jurisdiction of WCU Public Safety personnel?

West Chester University **police officers** have full authority to enforce all local and state laws as well as applicable University policies. The Department of Public Safety includes the police department of jurisdiction on the Main Campus and University police authority includes the power of arrest on campus property. University police officers may also initiate campus student conduct board proceedings for violations of the Student Code of Conduct and criminal violations as a sole process for resolution, or in addition to filing criminal charges.

University **security officers** are authorized to enforce University policies and procedures on campus property and may detain individuals for violations until custody can be transferred to a police officer. University security officers do not have the authority to make arrests. For violations of the Student Code of Conduct, University security officers may also initiate judicial board proceedings. Campus **security officers** are non-commissioned, possess no arrest powers and are not armed.

## How does Public Safety work with state and local law enforcement agencies?

The Department of Public Safety maintains a working relationship with state and local police agencies and is engaged in the sharing of specialized resources with these departments. WCU does not have written mutual aid agreements with those departments for the investigation of crimes that are reported on campus. The Department of Public Safety maintains primary law enforcement jurisdiction at West Chester University's Main Campus and is responsible for the investigation of all criminal incidents that occur on that campus. The patrol jurisdiction of security officers at the Graduate Center and Exton Campus is limited to any buildings or properties owned or controlled by West Chester University. Security Officers do not have investigatory authority and criminal investigations would be referred to the local municipal police jurisdiction. The Department of Public Safety participates in regional law enforcement teams, taskforces and training exercises that support the goal of safety on campus.

## What is the policy on reporting criminal incidents to state and local law enforcement?

Crime statistics and arrest information for offenses occurring on campus, as required by state criminal history record retention laws, are reported monthly to the Pennsylvania State Police for use in the Uniform Crime Report.

***The Department of Public Safety encourages all campus faculty, staff, students, and guests to act responsibly and to report criminal activity in a timely manner to help ensure a safe campus environment for everyone.***

## What are the procedures for students and others to report criminal activity or other emergencies occurring on campus and how does the University respond to such reports? (Main Campus)

The campus community can report criminal activity, fires, or medical emergencies on the main campus by calling the Public Safety Dispatch Center at 610-436-3311, by dialing 911 from any campus phone, by using any campus emergency phone or by appearing in person at the Peoples Building (located on the NW corner of South Church Street and University Avenue). Those who wish to report a crime but remain anonymous may contact the Campus Crime Tip Line at 610-436-3100.

Even if a student is a victim of a crime but does not wish to pursue criminal or judicial charges, they are still encouraged to contact Student Affairs 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 campus police or the appropriate municipal police agency, 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.

West Chester University has established a Threat Assessment Team to assist in addressing situations where individuals are displaying disruptive or threatening behaviors that potentially endanger their own or others' health and safety. It is the responsibility of faculty, staff and students to immediately report any situation that could possibly result in harm to anyone at the University. In cases where a person may pose an immediate risk of violence to self or others, the Department of Public Safety should be contacted immediately at 610-436-3311 or by dialing 911 on any campus phone. The University Threat Assessment policy can be found at:

<https://www.wcupa.edu/dps/documents/threatAssessmentPolicy17.pdf>



Public Safety maintains a 24-hour dispatch center to answer all calls for assistance. Upon receiving a request for assistance, an officer and any other appropriate resources can be immediately dispatched to the location or the victim may be asked to report to the Department of Public Safety to file a report. In cases involving criminal activity on main campus, University police officers will respond and conduct an investigation and may become a matter of public record. Information regarding all arrests of students made by University police for criminal violations on campus is forwarded to the Office of Student Conduct for review and potential action as appropriate. Arrests of University students by municipal police agencies that are brought to the attention of the Department of Public Safety are also forwarded to the Office of Student Conduct. All students are held accountable for their behavior both on and off campus property. If assistance is required from the West Chester Borough or West Goshen Township Police Department, the West Chester Fire Department or Good Fellowship Ambulance, the Department of Public Safety will contact the Chester County Department of Emergency Services for the dispatch of the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the Department of Public Safety, will offer the victim a wide variety of services.

### **Graduate Center and Exton Campus**

Those working at or attending the Graduate Center or Exton Campuses should contact 911 to report all criminal activity or other emergencies to the Chester County Department of Emergency Services who will dispatch the appropriate municipal police department.

## Daily Crime Log: (Main Campus)

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

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

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

Information regarding criminal activity at the Graduate Center can be obtained through the West Goshen Township Police located at 1025 Paoli Pike West Chester, PA and for the Exton Campus through the West Whiteland Township Police located at 101 Commerce Drive Exton, PA.

## Example of a Daily Crime Log:

Date Reported	Case Number	Location	Occur Date/Time 2 <sup>nd</sup> Date (if ranged)	Disposition
01/01/2016	WC-16-00001	701 South High St.	01/01/2016 0030 01/01/2016 0059	PHYSICAL ARREST
<u>Nature of Crime</u>	Poss/Etc Alcohol/Minor			

## Fire Log: (Main Campus)

A fire log is available for review at 823 South High Street, West Chester PA 19383 from 8:00 a.m. – 4:30 p.m. Monday through Friday, excluding holidays. The fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

The Graduate Center and the Exton Campus do not have residential facilities and therefore a fire log for these locations is not required.

## CAMPUS NOTIFICATIONS

### How does West Chester University notify the campus community of crimes that may pose a serious or continuing threat to students and/or employees?

A campus wide Timely Warning will be issued for any Clery Act crime that is reported to any Campus Security Authority (CSA) or local police agency that in the judgement of the Director of Public Safety and in consultation with responsible authorities when time permits, represents a serious or continuing threat to students and employees, and that occurs on or within the University's Clery geography. The 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.

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 or designee. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is not ability to distribute a Time Warning Notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice).
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Director of Public Safety or his/her designee in his/her absence.

Timely Warning Notices will be distributed as soon as pertinent information is available, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences. Timely Warning Notices will be issued to the campus community via email blast to all WCU assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication: text messages or emails sent through the University's WCU ALERT system, or building postings by Building Administrators.

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



West Chester University offers a messaging service (WCU ALERT) that includes all faculty, staff, and students who have not chosen to opt out of receiving notifications of major emergencies and timely warnings. There is no cost to be included in WCU Alert; however, some cell phone providers may apply a small cost per text message sent or received. Text messages will be received on any device that accepts text messaging (SMS) through cellular service such as cell phones, text pagers, BlackBerrys, and some wireless PDAs. In addition, there is an option to have messages sent to a personal email address in addition to a WCU email address. The University offers this service to notify the campus of emergencies and/or timely warnings. In addition, there is an option to receive weather-related cancellations as well.

If you are not currently receiving emergency notices, you can subscribe to receive text messages of campus emergencies, timely warnings, and/or weather-related cancellations at [www.wcupa.edu/wcualert](http://www.wcupa.edu/wcualert).

Emergency Notifications may be posted for other crime classifications and locations, even though that is not required by the law, at the discretion of the Timely Warning Committee.

Timely Warning Notices are typically written and distributed by the Director of Public Safety, or designee. When needed, an Information Services and Technology representative may assist the Director of Public Safety or designee in the dissemination of Timely Warning Notices.

### **How does West Chester University notify the campus community of emergency response and evacuation procedures?**

The West Chester University Emergency Operations Plan includes information about University operating status parameters; incident priorities and performance expectations, shelter-in-place and evacuation guidelines, and local contingency and continuity planning requirements. This information can be found at; [www.wcupa.edu/dps/emergencymanagement/](http://www.wcupa.edu/dps/emergencymanagement/)

#### **The Public Safety Department publishes the following information:**

West Chester University Emergency Response Guideline:

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

West Chester University Emergency Response Pocket Guide:

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

University Departments are responsible for developing continuity of operations plans for their staff and areas of responsibility. Members of the Department of Public Safety assist other departments in creating their plans. The University conducts emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

#### **Annual Emergency Preparedness Exercise:**

During the first week of the fall semester 2018, a mass evacuation drill was planned and executed by the Department of Environmental Health and Safety in cooperation with the Department of Public Safety and Residence Life and Housing. All residential facilities on the main campus were scheduled for a simultaneous emergency evacuation drill. Only senior staff in the hosting departments were aware of the date and time of the drill. General staff and students were not advised in advance.

The objectives of this exercise were;

1. Determine the response of the residents to an emergency evacuation of their building.

2. Determine the ability for Residence Life Staff to coordinate the evacuation and provide accountability of their residents.
3. Determine the resources necessary to assist with an orderly evacuation of the residential quad.
4. Determine if Residence Life staff utilized the designated gathering points for their buildings.
5. Determine the strategies to be used by Public Safety to re-locate mass residential populations based on the potential effects of the incident causing the mass evacuation.

The Residence Life Staff members are trained in evacuation procedures and act as an on-going resource for the students living in residential facilities. The Department of Environmental Health and Safety and the Department of Public Safety coordinate efforts to conduct numerous announced and unannounced drills and exercises each year. Follow-through activities designed for assessment and evaluation of emergency plans and capabilities are also completed. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

Department of Public Safety administrators, supervisors and officers have received training in the Incident Command System and responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Department of Public Safety officers. Depending on the nature of the incident, other local, state or federal response agencies could also be involved in the response and management of the incident.

General information about the emergency response and evacuation procedures for West Chester University facilities are publicized each year via email as part of the institution's Clery Act compliance efforts and that information is available on the West Chester University Department of Public Safety web site: [www.wcupa.edu/dps](http://www.wcupa.edu/dps) Detailed information about and updates to the West Chester University Emergency Preparedness efforts are available at;

[www.wcupa.edu/dps/emergencymanagement/trainingPreparedness.aspx](http://www.wcupa.edu/dps/emergencymanagement/trainingPreparedness.aspx)

All members of the University Community are notified on an annual basis (via this document) that they are required to notify the Department of Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. In the event of an emergency, West Chester University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

The Department of Public Safety has the responsibility of responding to and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Department of Public Safety has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the health and safety of the community. If that is the case, federal law requires that the institution immediately notify the campus community, or the appropriate segment(s) of the community that may be affected by the situation.

## How and when does West Chester University inform the campus about an immediate threat and what is the policy on notifying the campus community of an emergency?

The University Mass Communications Policy helps to cover official West Chester University mass communication methods to ensure effective and efficient communication and provide accurate and timely information to the campus community and the general public for emergency notifications and timely warnings, weather-related events, important time-sensitive announcements, and non-emergency general communications. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire. The policy is contained in this document as Appendix D and can be found on-line at:

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

The campus emergency notifications systems are tested several times annually. For 2018 the tests were conducted on February 16<sup>th</sup>, June 1<sup>st</sup> and September 14<sup>th</sup>.

When the Department of Public Safety in conjunction with campus administrators, local first responders, and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the University community, the West Chester University Department of Public Safety will collaborate with representatives of the Emergency Response Committee to determine the content of the message and will use some or all of the systems described below to communicate the threat to the University Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

### **The Emergency Response Committee consists of:**

Vice President for Student Affairs  
Vice President for University Affairs and Chief of Staff  
Vice President for Finance and Administration  
Associate Vice President for Facilities  
Director of Social Equity  
Director of Public Safety

The Emergency Response Committee will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system unless issuing a notification will, in the professional judgment of the responsible authorities (including, but not limited to: the University Department of Public Safety, the West Chester Police Department, the West Goshen Police Department, the West Whiteland Police Department, the West Chester Fire Department and Goodfellowship Ambulance), compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Emergency notifications may be issued by some or all of the following methods depending on the type of emergency: WCU Emergency Notifications System (which contains the following types of communication: text messaging, email blasts, external emergency notification broadcasts, fire alarm



(where available), public address systems (where available), social media, digital signage (where available), local media and webpage). If any these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency. The Department of Public Safety in conjunction with the Emergency Response Committee is responsible for the creation of emergency messaging, and with the assistance of other offices or agencies noted below those messages and approved and disseminated through various groups.

<b>System to use</b>	<b>Message Creator</b>	<b>Authority for approving &amp; sending messages</b>	<b>Message Distributor</b>
Text and Email	Public Safety	Director Public Safety	Public Safety
External Broadcasts	Public Safety	Director Public Safety	Public Safety
Phone Trees	Public Safety	Director Public Safety	Building Administrators
Public Address	Public Safety	Director Public Safety	Residence Life
Community Messaging	Public Safety	Director Public Safety	Chester County DES
Digital Signage	Public Safety	Director Public Safety	Communication and Marketing
Public Address	Public Safety	Director Public Safety	Residence Life / Public Safety
Scoreboard Announcements	Public Safety	Director Public Safety	Athletics
Social Media	Public Safety	AVP Communication and Marketing	Communication and Marketing
WCU Website	Public Safety	AVP Communication and Marketing	Communication and Marketing
Phone Message	Public Safety	AVP Communication and Marketing	Philips Information Desk
News Media	Public Safety	AVP Communication and Marketing	Communication and Marketing

West Chester University offers a text messaging subscription service (WCU ALERT) for all faculty, staff, and students to receive notification of major emergencies and timely warnings and strongly encourages subscribing to this important service. There is no cost to register; however, some cell phone providers may apply a small cost per text message sent or received. Subscribers will receive text messages on any device that accepts text messaging (SMS) through cellular service, such as cell phones, text pagers, BlackBerrys, and some wireless PDAs. In addition, there is an option to have messages sent to a personal email address. The University offers this service to notify the campus of emergencies and/or timely warnings. Subscribe to receive text messages of campus emergencies and/or weather-related cancellations at [www.wcupa.edu/wcualert](http://www.wcupa.edu/wcualert).

**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:**

The University will issue follow-up messages and an "all clear" message 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 message 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.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

## **CAMPUS EVACUATIONS**

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The Department of Public Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, The Department of Public Safety staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At West Chester University evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

### **How are emergency evacuations handled at the University?**

The West Chester University general evacuation procedures can be found at:

[www.wcupa.edu/dps/emergencymanagement/generalProcedures.aspx](http://www.wcupa.edu/dps/emergencymanagement/generalProcedures.aspx)

In an emergency, the University will communicate key information as quickly and to as many people as possible. Key information will include:

- The type of incident
- The location of the incident, if known and what the reader's response should be (Example: Person with gun on campus. Secure yourself in a safe place and wait for police.)
- Initial emergency communications will convey only the most critical information.
- As the situation or emergency unfolds, the University will post interim announcements and/or instructions on the homepage.
- The University will issue an All Clear message to convey the University's return to normal operations via the primary communication methods.

## Everyone is encouraged to become familiar with evacuation plans.

If you are advised to evacuate a building either by the activation of the fire alarm system or verbally by Public Safety or other Building Administrators, please evacuate immediately. Evacuate from below level and upper floors by using designated stairways; do not use elevators. If you have special assistance needs, become familiar with the closest "Area of Rescue Assistance" and someone will help you to evacuate. If possible to do so safely, take your belongings with you and do not return to the building once you have left for any reason. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify the Department of Public Safety (610-436-3311) or dial 911.

1. Remain calm
2. Avoid using the elevators, Use the stairs instead.
3. Assist the physically impaired. If he/she unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform the Department of Public Safety or the responding Fire Dept. of the individual's location.
4. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
5. Make sure all personnel are out of the building.
6. Do not re-enter the building.

After leaving the building, occupants will be instructed by Public Safety or Building Administrators where the designated gathering place will be located. Please remain at the evacuation area unless it is unsafe to do so or you are instructed to re-enter the building.

If there is a suspected or confirmed hazard outside of a building, occupants may be required to shelter in place. Occupants may be instructed to move from their current location to other areas inside of a building, dependent on the type of hazard. Once sheltered, please remain in that area unless it is unsafe to do so or you have been instructed to re-locate.

### Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

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

A shelter-in-place notification may come from several sources, the Department of Public Safety, Housing Staff members, other University employees or other authorities utilizing the University's emergency communications tools.

### How to “Shelter-in-Place”

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

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

### **Evacuation procedures for persons with disabilities.**

Please become familiar with escape routes and Area of Rescue Assistance locations in the buildings that you may be using during your time at the University. An Area of Rescue Assistance is an area where people who are unable to use stairs may remain temporarily in safety to await further assistance during an emergency evacuation.

Fire evacuation drills are conducted on an every other month basis in each residence hall when they are occupied and at least twice per year in all other buildings. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components.

### **What is the policy for preparation of the Annual Security and Fire Safety Report?**

West Chester University prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located on the University's web site at: <https://www.wcupa.edu/dps/documents/clery19.pdf>. This report is prepared in cooperation with local law enforcement as well as these campus offices;

- 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
- Office of Institutional Research

Each entity provides updated information on their educational efforts and programs to comply with the Act. Campus crime, arrest and referral statistics include those reported to the West Chester University Police, Campus Security Authorities, and local law enforcement agencies.

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

All of the statistics are gathered, compiled, and reported to the University community via this report, which is published by the Department of Public Safety. Public Safety also submits the annual crime statistics published in this document to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

Each year, an e-mail notification that provides the direct web site link to access this report is sent to all enrolled students and all current employees. 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 reports availability and how to obtain during the application process.

## **CAMPUS ACCESS**

### **What is the policy about access to University facilities and programs by students, employees, guests and other individuals?**

Most University facilities are open to the public during normal business hours and some include evening hours. All individuals accessing University facilities must adhere to all federal and state laws, as well as all University policies. All administrative and academic buildings on the Main Campus are opened at approved times and secured by Public Safety upon the completion of their scheduled use. Prior to scheduling any extracurricular event, the University must approve the use of the facility. When administrative and academic buildings are secure, access is restricted to authorized individuals through the use of card access or written authorization from the building administrator.



Residence hall access is restricted 24 hours/day via a card access system. Residents are provided access to the hall they live in via their access card at the designated entrances. Guests are given access to the building by the resident they are visiting, and the resident is responsible for the guest while the guest is in the building. All University employees, contractors, and vendors are required to display University identification when they are in an occupied residence hall.

## **DISSEMINATION OF SECURITY AND ENFORCEMENT INFORMATION**

### **What security awareness and crime prevention programs are available to inform students and employees about security and enforcement procedures?**

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of West Chester University to inform students of good crime prevention and security awareness practices.

During the 2018-2019 academic year, the Department of Public Safety offered approximately 15 crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

During student and employee orientation sessions, new students and new employees are informed of security and enforcement procedures by Department of Public Safety personnel.

Public Safety personnel participate in crime prevention and security awareness training programs that are specific to campus residents, including training of residence life staff, and covering topics such as personal safety, vandalism, theft, alcohol & drug education, and general crime prevention tips. Throughout the academic year, Public Safety officers conduct crime prevention and safety seminars in the residence halls. Public Safety also works with residence life staff throughout the year to conduct hall meetings with students in regard to security issues. WCU conducts numerous crime prevention and safety seminars per academic year.

Employee training sessions are offered throughout the year in open forums and in response to specific departmental request. In addition to crime prevention, training sessions for employees include: identification of threatening behaviors, classroom safety, evacuation and shelter-in-place procedures and reporting crimes and threatening behavior.

A common theme of all training is to encourage students and employees to be aware of their surroundings and to encourage student and employees to be responsible for their own security and the security of others. The reporting of actual or suspected crimes to the Department of Public Safety is also a key point in training. For additional questions regarding crime prevention, contact the department directly at 610-436-3311.

As part of the department's community-oriented policing philosophy, The Department of Public Safety offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these presentations include general safety practices in addition to personal safety awareness programs (R.A.D. Systems), active shooter response (ALICE), and property

protection strategies. Anyone interested in having a Department of Public Safety Officer speak to his or her classroom or group should contact them at 610-436-3311.

## **CAMPUS FACILITIES**

Public Safety Officers conduct routine patrols of campus buildings to evaluate and monitor security related matters. Security officers are posted in the lobby of all residence halls between the hours of 8:00pm and 4:00 am each day. There are security officers assigned to patrol inside the FHG Library and the Sykes Student Union at various times during the day. A security officer is also assigned to check and secure buildings on the Main campus at the close of the academic day.

**There are no residential facilities at the Graduate Center or the Exton Campus.**

### **What type of student housing is available at West Chester University?**

University owned on campus housing consists of four residence halls and two apartment complexes. While most traditional residence hall rooms are double occupancy, some single rooms are available under specific circumstances. All of the residence halls house both male and female students. There is an eleven-building apartment complex owned by the University at South Campus and a three-building apartment complex on North Campus. Additionally, there is housing on campus referred to as Affiliated Housing. These facilities are available to University students, but are operated by a private management company. The Affiliated Housing facilities include four suite-style buildings and two apartment complexes. There is no on-campus married student housing provided by the University or Affiliated Housing.



### **What is the policy on housing assignments and requests by students for assignment changes?**

Housing assignments are initially made for an entire academic year. Returning students apply for University-owned housing during the first half of the spring semester the preceding year and receive assignments by mid-March. Assignment processes for Affiliated Housing begin late in the fall semester. First-year and transfer students are accepted as either "resident" or "commuter" students through the Office of Admissions and those who plan to live on campus are notified of their assignments in early August prior to their arrival.

The housing application includes a section for students to indicate their personal preference regarding quiet hours and smoking (although all University housing facilities are smoke-free). These preferences are met whenever possible. Room changes are permitted for all residents during the second week of each semester if approved by the Resident/Graduate Hall Director (RD/GHD) of the facility. The RD/GHD of the hall/complex handles any extenuating circumstances on a case-by-case basis.

### **How are student housing facilities secured?**

All exterior doors to the residence halls are locked 24 hours a day. The main entrances to each building are equipped with electronic card readers which residents use to gain access to the building. All other entrances are alarmed and set for delayed egress, which will deny the ability to exit the building for 15 seconds while an alarm sounds, unless the fire alarm has released the doors. Only residents can provide access to the building for their guests, and applicable guest policies must be followed.

Room doors in the residence halls are equipped either with a standard lock and key system or card key system. All resident rooms are also equipped with a one-way peephole for identification purposes prior to admission. The windows are equipped with screens and will lock in place.

### **How many employees are assigned to University and Affiliated housing facilities?**

A security officer is stationed at the main entrance of each residence hall between 8 PM and 4 AM. All security officers have received 40 hours of in-service training, which includes University policies, department procedures, and applicable Commonwealth statutes.

Each hall or apartment complex has a full-time Resident Director, Graduate Hall Director or Community Manager, who oversees all operational aspects of that hall/complex. Most residential facilities also have a Graduate Assistant to assist the Resident/Graduate Hall Director. All residential facilities have a student Resident Assistant living on each floor or in each apartment building, and a student Desk Assistant who remains at the hall main desk during various hours, seven days a week. The entire residence life staff, which totals approximately 180 people, receives training on security procedures and policies, crisis intervention, confrontation, alcohol and drug abuse, and emergency situation response.

### **What is the policy for housing student during low occupancy periods, such as holidays and vacations?**

During times that most residence halls are vacated by residents, they are locked and secured. Generally, one traditional residence hall as well as one affiliated building and all apartment complexes, remain open for use by international students and other special need students. During these low occupancy periods, entrance to the occupied residence halls is restricted via the card access system to only those students approved to stay on campus. Security officers patrol the buildings during these periods.



## **What is the policy for housing guests or others not assigned to student housing or not regularly associated with the University?**

University housing is primarily for full-time registered students. Special arrangements may be made for part-time students with the permission of the Director of Housing Services or the Assistant Vice President of Student Affairs.

Students are permitted to host guests in their residence hall rooms. Every guest is subject to University rules and regulations, and guests are the responsibility of the resident host. The University reserves the right to deny access to any person who presents a threat to the peace, safety, and welfare of other residents.

The University does not permit cohabitation or patterns of extended visitation in the residence halls or apartment complexes. All guests must follow proper registration and check-in procedures as prescribed by the appropriate staff. Overnight guests are permitted to visit and stay in University-owned and affiliated housing for defined periods of time, but the rights of the roommate take precedence in issues involving a guest. Patterns of visitation which interfere with the rights, privileges or privacy of any resident student will not be tolerated and may subject the host to a student conduct action.

## **What other areas are staffed by Public Safety on campus?**

Frances Harvey Green Library is staffed with Security Officers seven days a week. Library security officers are responsible for active patrol of the library and grounds around the clock beginning Monday morning through Friday evening and between the hours of 9 am and 6 pm on Saturday and Sunday. This position is responsible for patrolling all interior and exterior areas of the Library, checking for any security or safety problems and reporting all crimes to our dispatch center. Monitoring patrons for unruliness or loudness, and enforcing all University regulations. The Security Officer is also responsible for assisting with the evacuation of the Library during closing, locking doors, and activating the alarm panel. Additional duties include assisting in medical emergencies, fires, and fire drills.

## **What security considerations are given to the maintenance of campus facilities including landscaping, grounds keeping and outdoor lighting?**

University facilities and campus lighting are maintained to minimize hazardous conditions. Malfunctioning lights and other unsafe conditions are reported to the Facilities Management Department for repair or correction. Parking lots and pathways are illuminated. In addition, the Department of Public Safety completes a lighting and physical security survey, which is submitted to the Facilities Management Department through the work order system. Other members of the University community are helpful when they report equipment problems to the Department of Public Safety or to Facilities Management Department.

## **ALCOHOL, DRUGS AND WEAPONS POLICIES**

### **What is the policy on possession, use or sale of alcohol and illegal drugs?**

West Chester University is committed to providing a healthy working environment, consistent with PASSHE Policy 1989-02: Drug-Free Workplace; and the maintenance of a 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 complies with the 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 Commonwealth, federal and local laws as well as the University Student Code of Conduct. As West Chester University prohibits the unlawful possession, use, and sale of alcoholic beverages on campus except under special circumstances. 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.

Students who violate state law for alcohol and drugs are also in violation of the Student Code of Conduct, whether the behavior occurred on or off campus, Students are held accountable through the Student Conduct office. Alcohol and drug violations occurring at the Graduate Center are handled by the West Goshen Police and those occurring at the Exton Center are handled by the West Whiteland Police.

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 Commonwealth, federal, and local laws. Non-students involved in on-campus violations of these policies may be banned from University property.

### **Alcohol and or alcohol containers:**

West Chester University is a dry campus, so any 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 the alcohol violation 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 or 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. Use of legal or prescribed substances (e.g., inhalants) in a fashion designed to alter one's mental or physical state will be considered reckless behavior as described in the Infliction of Harm section (see I.C.1.c).

### **What types of drug and alcohol abuse educational programs are offered?**

Drug and alcohol abuse education programs are available for students through the Division of Student Affairs at the Student Health and Wellness Center and also 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 offer assistance, including 24-hour hot lines and the State Employee Assistance Program.

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

Anyone in possession of illegal drugs or paraphernalia can be charged under PA Crimes Code Title 18, depending on the illegal substances found. Penalties for a first offense upon conviction can include fines of no less than \$500 and possible imprisonment up to 15 years.

Anyone who purchases, consumes, possesses or transports alcoholic beverages while being under the age of 21 can be charged with a summary offense. Penalties upon conviction of a first offense can include fines up to \$300 and will involve the suspension of driving privileges for 90 days. Anyone found to be furnishing alcohol to minors can be charged with a misdemeanor offense. Penalties upon conviction can include fines of no less than \$1,000. Additionally, students can receive fines of no less than \$50 for student conduct violations.

### **Where can I obtain more information on educational programs related to drug and alcohol abuse prevention, sanctions for violations of federal, state and local laws and University policy; a description of health risks associated with alcohol and other drug use and a description of available treatment programs for WCU students and employees?**

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; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for West Chester University students and employees. A complete description of these

topics, as provided in the University's annual notification to students and employees, is available online at: <https://www.wcupa.edu/services/STU/ramsEyeView/drugFreeCampus.aspx>

### **What is the policy on possession and use of weapons by Public Safety personnel?**

University police officers are authorized to carry firearms and are certified in their use on a bi-annual basis. Public Safety officers may carry other devices including but not limited to Tasers, pepper spray, batons and other devices necessary to affect control and arrest.

Persons who do not have specific authorization from the Director of Public Safety are prohibited from possessing weapons of any kind in any University and affiliated buildings or at outdoor sporting, recreational, entertainment or educational events on University property. Violators may be subject to criminal prosecution, disciplinary action or student conduct processing.

### **What is the policy about employees or 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 on line at:

<https://www.wcupa.edu/hr/orientation/protectionOfMinors.aspx>

A student with a criminal record will not in all cases be barred from admission to the University. When an applicant indicates that he or she has a felony conviction, the application is reviewed by the Criminal Convictions Committee and a case-by-case decision is made. Students who are convicted of a criminal offense after admission are subject to the University's student conduct process. Penalties can range from probation to expulsion, depending on the severity of the offense and whether the student has prior offenses.

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

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



Students, employees or other persons, who believe or have knowledge that a student who resides in on-campus housing is suspected missing, must immediately notify the Department of Public Safety at 610-436-3311. Notification that a resident student is missing is required within 24 hours of the time the student is determined to be missing. The Department of Public Safety will conduct a timely investigation in accordance with departmental policy regarding missing person investigations. The police investigation will follow specific steps that are outlined by Pennsylvania Title 18 Section 2908(a) Missing Children and 42 U.S.C. 5779(a) Section 3701(a) Suzanne's Law. For students who are under the age of 18 and not emancipated, the University must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

West Chester University provides all resident students the annual option to register a contact person(s) who can be notified by the Institution should the student be reported missing. The University strongly encourages all resident students to identify a "missing person" contact, which is in addition to any general emergency contact information already provided. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified. This "missing person" contact(s) should be registered with the Office of Residence Life and Housing in the Lawrence Center. The "missing person" contact information will be kept confidential and will be accessible only to authorized campus and law enforcement officials in the furtherance of the missing person investigation.

Should a resident student be determined to be missing, the contact provided by the student will be notified within 24 hours by University officials. If multiple contacts are requested by the student, then all contacts will be notified even if the first contact reports the student is not missing. This notification process will continue until the student in question is in direct contact with the Institution and confirms he or she is safe. These notifications, including those that are unsuccessful, will be documented by the official making the contacts.

Once the determination has been made that a student living on campus is missing, the Department of Public Safety will notify the local law enforcement agency within 24 hours, unless the local law enforcement agency made the determination that the student is missing.

As part of the investigation, the Department of Public Safety will promptly notify the parent or guardian of any missing person who is under the age of 18 years old who has not been emancipated. This notification will occur no later than 24 hours following the determination that the student is missing. If the missing person is emancipated or over the age of 18 years old, the Department will notify the contact provided and not the parent or guardian unless that person has been designated as the "missing person" contact. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the Department of Public Safety will inform local law enforcement with jurisdiction that the student is missing within 24 hours.

### **What is the policy concerning monitoring non-campus crime?**

West Chester University works in conjunction with local law enforcement agencies that have jurisdiction in areas surrounding the campus, in order to monitor criminal activity at non-campus locations, including at non-campus locations of recognized student organizations. Although there is no formal agreement, the West Chester Borough Police Department and the West Goshen Township Police Department routinely provide information to the University regarding incidents involving students residing or visiting within their jurisdictions. These external law enforcement agencies do this out of courtesy and are not required to notify or involve the Department of Public Safety

when they respond to a call involving private property. Students in these cases may be subject to arrest by the police department that holds jurisdiction of the illegal activity and the University student conduct process.

## **FIRE SAFETY REPORT**

This report complies with the Clery Act and the Campus Fire Safety Right to Know Act. This report is based on reporting documents and includes affiliated housing on the West Chester University campus.

This information applies to the Main Campus only as there are no residential facilities at the Graduate Center or Exton Campus.

### **Residence Hall Fire Safety**

General Fire Safety Guidelines for WCU can be found at:

[www.wcupa.edu/hr/environmentalHealth/fireSafety.aspx](http://www.wcupa.edu/hr/environmentalHealth/fireSafety.aspx)

### **Reporting fires that are found “after the fact.”**

Per federal law, West Chester University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. For fire incidents that are discovered "after-the-fact" or where it is uncertain that the Public Safety Department has already been notified about a fire, students and employees are encouraged to report the incident to the Department of Public Safety to ensure the fire is investigated, if appropriate, and for inclusion in the annual fire statistics. If you find evidence of such a fire, or if you hear about such a fire, please contact the Department of Public Safety at (610) 436-3311 to initiate an incident report. If you encounter a fire that is actively burning, call Public Safety at (610) 436-3311 or dial 911 on any campus phone for emergency assistance.

In addition to Public Safety, you may contact these offices regarding fires during regular business hours:

Office of Residence Life and Housing  
(610) 436-3307

Office of Environmental Health and Safety  
(610) 436-3333

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

## **GENERAL FIRE SAFETY**

West Chester University has established fire safety regulations for your protection. Fire Safety Policies as well as timely information on consumer product hazards, seasonal fire safety tips, and fire safety statistics can be found on-line; <https://www.wcupa.edu/hr/environmentalHealth/fireSafety.aspx>

The following are general fire safety regulations that you should be familiar with;

- The presence or use of incense burners, candles or any other device with an open flame is prohibited in all residential facilities.
- Smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in all university buildings. Smoking is only permitted in approved designated smoking areas on campus.
- All electrical equipment and/or appliances must bear the seal of approval of the "Underwriter's Laboratories, Inc." (UL) to be approved for use in campus facilities.
- Other than the approved use of microwaves in residential rooms and apartments, cooking is restricted to designated kitchens within campus facilities. With the exception of approved microwaves, cooking appliances such as hot plates, toasters, toaster ovens, electric grills, and other similar type heating devices are prohibited in student rooms in the residence halls. This restriction does not include the use of these items in the resident Apartment Complexes on campus.
- Surge protection strips must be plugged individually into an outlet and shall not be plugged into each other. Surge protectors have been supplied by Environmental Health and Safety in each student resident room and these are the only surge protectors approved for use in the residence halls.
- The storage of combustible or flammable materials including but not limited to propane tanks, lighter fluid, gasoline, paint solvents, etc., are prohibited in all campus housing facilities.
- Reporting false alarms, tampering with the fire detection or suppression devices, or otherwise threatening the life safety of members of any campus residential community is prohibited by law.

Students who are found to be in violation of these and other fire safety regulations are subject to disciplinary action under the WCU Student Code of Conduct and possible criminal action under Pa Title 18.

## **Fire Drills**

In compliance with Commonwealth of Pennsylvania regulations and University policy, fire drills are conducted at varying times twice a semester at each residential facility during the academic year. The first drill each academic year is conducted during the first week of occupancy. Immediate Evacuation is required of all occupants when the alarm system is activated in any campus housing facility.

## **Evacuation Procedures for Student Housing in Case of a Fire**

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once

safely outside a building, it is appropriate to contact 911 and the [Campus Public Safety Agency]. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

Become familiar with the evacuation exits nearest to your room and review the evacuation plans posted on each floor of the building. You should use the nearest stairwell to your room, but you should also be aware of a secondary exit in the event that your primary exit becomes unusable.

- Do not use the center stairwells unless no other safe alternative exists. These stairwells must be kept clear for use by emergency responders.
- Do not use the elevators to evacuate during an emergency. If you are unable to evacuate by yourself, go to the nearest Area of Rescue Assistance and if possible contact Public Safety and tell them where you are located.
- Exit the building swiftly but calmly, do not run, but walk briskly to the nearest exit.
- After exiting the building, report to the pre-designated meeting location for your building. Do not leave this area or attempt to re-enter the building unless advised that it is safe to do so by Public Safety.

## Fire Prevention and Protection

All campus residence halls and residential apartment buildings are protected by fire safety systems. These systems include smoke and heat detection, manual pull stations, sprinklers and portable fire extinguishers. All these fire safety systems are physically inspected and electronically documented each month by the Department of Environmental Health and Safety. The fire detection systems are inspected and tested annually and the automatic sprinkler systems are inspected and tested quarterly as required under NFPA guidelines by certified specialists. All fire safety systems are monitored at the Dispatch Center located within the Department of Public Safety.

- ***An automatic fire detection or suppression system is one that will operate and provide evacuation notification without human interaction.***
- ***An addressable fire detection system is one where the location of the activated device (address) is reported back to the building fire alarm panel as well as the Dispatch Center to alert first responders as to the exact location of the incident.***
- ***A full sprinkler system is one that covers all areas within a building to include living areas, corridors, lobbies, lounges, mechanical areas and storage rooms.***
- ***Portable fire extinguishers for residential facilities include ABC and CO2 units that will handle Class A fires (Ordinary Combustibles) Class B fires (Flammable Liquids) and***



***Class C fires (Energized Electrical Equipment). Fire extinguishers are placed based on code required distances and type of hazard.***

### **Detection System Facts:**

Smoke detectors will react to various amounts of smoke in the air and automatically activate the evacuation alarm when the concentration of smoke in the air is sufficient.

Heat detectors are in place where smoke detectors would not be effective such as bathroom where the generated steam could set a smoke detector off. These detectors automatically activate the evacuation alarm when the air around the detector reaches a pre-determined temperature.

Pull Stations are provided as a manual way to activate the evacuation alarm.

### **Sprinkler System Facts:**

All sprinkler systems in campus housing facilities are wet-systems. This means that there is water in the sprinkler piping right up to the sprinkler head.

Sprinkler heads are heat sensing devices. These devices activate once the air in the immediate area around the sprinkler head reaches a pre-determined temperature. Sprinkler heads will not activate just because there is smoke in the vicinity.

Each sprinkler head operates independently. The activation of one sprinkler head will not cause the remainder of the system to activate.

While the systems that are in operation vary slightly building by building, typically they flow 15-30 gallons of water per minute under normal street pressures. The larger high rise residence halls also have a fire pump attached to the system that can boost the pressure if needed. Water discharging from a sprinkler system will accumulate quickly and will cause flooding to occur.

Once a sprinkler head activates, the fire alarm system will activate automatically. Once the fire is extinguished, the water flow must be shut down manually. It can take up to 15 minutes for the piping in the affected system to drain completely.

### **Portable Fire Extinguisher Facts:**

Fire extinguishers are selected and located in the residence halls and apartment complexes according to the classification of fires that may be encountered.

- Class A – Ordinary combustibles
- Class B – Flammable Liquids
- Class C – Energized electrical equipment
- Class D – Flammable Metals
- Class K – Oils and Greases



Most extinguishers located in the residence halls are type ABC, which means they will handle almost any type of fire. Hall kitchen facilities are provided with CO2 extinguishers. Training on how to use a fire extinguisher is available by contacting the office of Environmental Health and Safety at 610-436-2129.

### **Fire Safety System Facts:**

Never hang on the sprinkler pipes and do not hang anything from a sprinkler head. Tampering with the pipes and heads can cause accidental discharge which will result in significant water damage. More importantly, this will impair the system and reduce its ability to protect the building and the occupants in the event of a fire.

Keep the area around a sprinkler head clear about 18" in all directions. Obstructions in the water flow path will reduce the effectiveness of the sprinkler system in the event of a fire.

Do not cover, block, or otherwise obstruct sprinkler heads, smoke and heat detectors, pull stations, portable fire extinguishers or any other fire detection or suppression equipment.

Tampering with any Fire Safety equipment will result in disciplinary action under the WCU Student Code of Conduct and possible criminal action under Pa Title 18.

Do not open windows in stairwells during the winter months. Some of these areas are not heated and the cold air may cause the water in the pipes to freeze and this could lead to broken pipes and flooding.

The fire safety systems installed in the Residence Halls and Apartment Complexes are there for everyone's protection. Please do not tamper with them or use them for any purpose other than what they are designed to do. Your cooperation is needed to help insure that these systems will operate as designed when they are needed.

### **Health and Safety Inspections**

There will be monthly inspections made of rooms and apartments/suites to ensure that everyone is living in conditions that are safe and healthy. Residence Life Staff will be looking for issues such as overloaded electrical outlets, illegal cooking equipment, and standard cleanliness and hygiene issues. These inspections are to ensure the health and safety of the community as a whole. If you are found in violation of health and safety standards, you will have seven days to correct the problem. If the problem is not corrected in that time, you will face disciplinary action.

### **Fire Safety Education and Training Programs**

Fire safety programs for all on-campus student housing employees are conducted by Environmental Health and Safety staff at the beginning of each semester. These programs are designed to; familiarize the Residence Hall staff with the fire safety systems in each housing facility, provide training on the procedures to be followed in case there is a fire and, to distribute information on how to access the University's fire safety policies. Floor meetings are held by Residence Hall staff with building residents during the first few days of the semester to review the fire safety

information provided to them by EHS and to discuss evacuation procedures for the building. During these programs, trainers emphasize that participating in fire drills is mandatory and review the following evacuation procedures. Members of the Environmental Health and Safety staff are available throughout the year to conduct fire safety training in the residence halls for resident students at the request of residence life staff.

### **Procedures Students and Employees Should Follow in Case of a Fire**

1. If a fire exists and the evacuation alarm has not already sounded automatically, it can be manually activated by using the nearest pull station. Pull stations are located near exits in all campus housing facilities.
2. Once the evacuation alarm sounds, all occupants are required to evacuate.
3. Occupants are to move swiftly to the nearest emergency exit. Close doors behind you while exiting. DO NOT use the elevator during a fire evacuation as it may malfunction and trap you.
4. Once outside, go to the designated meeting location and remain there until given instructions to move to another location or told that it is safe to return to the building by Public Safety.
5. Assist others who may not be able to evacuate themselves if safe to do so. Get them to an Area of Rescue Assistance on their floor and then contact Public Safety at (610) 436-3311 and report their location for further assistance.
6. Call Public Safety at (610) 436-3311 or extension 3311 and report the emergency once you are in a safe place.
7. DO NOT re-enter the building for any reason until Public Safety gives clearance to do so once everything is declared safe.

Fire safety education and training programs are taught by experienced fire services personnel with training and certifications in the Fire Protection and Fire Safety Inspection fields. Fire Safety Training and educational programming is provided to the following groups at least annually.

- All new and returning Residence Life Staff.
- Sykes Student Union Student Staff
- Student Health and Wellness Employees

Fire Safety training is also provided to these groups as requested;

- Grill Permit Applicants
- All others upon request

Training can be requested by any student organization or University department by contacting the Fire Safety division of Environmental Health and Safety at: 610-436-2129.

## Fire Safety Improvements

The Environmental Health and Safety Department continues working with Simplex Grinnell to complete an upgrade to the fire alarm systems in all University buildings on Main Campus to the latest Simplex Technology.

### ON CAMPUS STUDENT HOUSING FACILITY FIRE SAFETY SYSTEMS

BUILDING NAME	FIRE ALARM MONITORING DONE ON SITE (PUBLIC SAFETY)	SMOKE DETECTORS & PULL STATIONS	HORNS & STROBE LIGHTS	FULL SPRINKLER SYSTEM	PORTABLE FIRE EXTINGUISHERS	EVACUATION PLANS & PLACARDS	FIRE DRILLS CONDUCTED 2018
<b>ALLEGHENY HALL</b> 121 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	4
<b>BRANDYWINE HALL</b> 709 South New St.	Yes	Yes	Yes	Yes	Yes	Yes	4
COLLEGE ARMS 721-733 South High St.	Yes	Yes	Yes	Yes	Yes	No	4
<b>COMMONWEALTH HALL</b> 715 South New St.	Yes	Yes	Yes	Yes	Yes	Yes	4
GOSHEN HALL 125 North Campus Dr.	Yes	Yes	Yes	Yes	Yes	Yes	4
KILLINGER HALL 115 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	5
SOUTH CAMPUS APTS 831-852 South Campus Dr.	Yes	Yes	Yes	Yes	Yes	No	4
SCHMIDT HALL 225 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	6
TYSON HALL 225 North Campus Dr.	Yes	Yes	Yes	Yes	Yes	Yes	4
<b>UNIVERSITY HALL</b> 180 University Ave.	Yes	Yes	Yes	Yes	Yes	Yes	4
<b>THE VILLAGE APTS</b> 181-193 Carey Dr.	Yes	Yes	Yes	Yes	Yes	No	5
<b>EAST VILLAGE APTS</b> 250-258 East Carey Dr.	Yes	Yes	Yes	Yes	Yes	No	5

FACILITIES IN **BOLD** ARE OPERATED BY UNIVERSITY STUDENT HOUSING LLC



## ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2018

<b>Residential Facility</b>	<b>Total Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b>Injuries Treatment at Med. Fac. Required</b>	<b>Deaths Fire Related</b>	<b>Estimated Value Property Damaged by Fire</b>
<b>Allegheny Hall –</b> 121 West Rosedale Ave.	0		N/A	0	0	0
<b>Brandywine Hall -</b> 709 South New St.	0		N/A	0	0	0
<b>College Arms Apts. -</b> 721-733 South High St	0		N/A	0	0	0
<b>Commonwealth Hall -</b> 715 South New St.	0		N/A	0	0	0
<b>East Village Apts. -</b> 250-258 East Carey Dr.	1	1	Overcooking in Microwave	0	0	\$100-\$249
<b>Goshen Hall -</b> 125 North Campus Dr.	0		N/A	0	0	0
<b>Killinger Hall -</b> 115 West Rosedale Ave.	0		N/A	0	0	0
<b>Schmidt Hall -</b> 225 West Rosedale Ave.	1	1	Overcooking in Microwave	0	0	\$0-\$99
<b>South Campus Apts. -</b> 831-852 South Campus Dr.	2	1	Unattended Cooking	0	0	0
		2	Grease Fire	0	0	\$500-\$1000
<b>Tyson Hall -</b> 225 North Campus Dr.	0		N/A	0	0	0
<b>University Hall -</b> 180 University Ave.	0		N/A	0	0	0
<b>Village Apts. –</b> 181-193 Carey Dr.	1	1	Grease Fire	0	0	\$100-\$249

## ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2017

<b>Residential Facility</b>	<b>Total Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b>Injuries Treatment at Med. Fac. Required</b>	<b>Deaths Fire Related</b>	<b>Estimated Value Property Damaged by Fire</b>
<b>Allegheny Hall –</b> 121 West Rosedale Ave.	0		N/A	0	0	0
<b>Brandywine Hall -</b> 709 South New St.	0		N/A	0	0	0
<b>College Arms Apts. -</b> 721-733 South High St	0		N/A	0	0	0
<b>Commonwealth Hall -</b> 715 South New St.	0		N/A	0	0	0
<b>East Village Apts. -</b> 250-258 East Carey Dr.	0		N/A	0	0	0
<b>Goshen Hall -</b> 125 North Campus Dr.	0		N/A	0	0	0
<b>Killinger Hall -</b> 115 West Rosedale Ave.	0		N/A	0	0	0
<b>Schmidt Hall -</b> 225 West Rosedale Ave.	0		N/A	0	0	0
<b>South Campus Apts. -</b> 831-852 South Campus Dr.	0		N/A	0	0	0
<b>Tyson Hall -</b> 225 North Campus Dr.	0		N/A	0	0	0
<b>University Hall -</b> 180 University Ave.	0	1	Electrical Fixture	0	0	\$0 - \$99
<b>Village Apts. –</b> 181-193 Carey Dr.	0		N/A	0	0	0

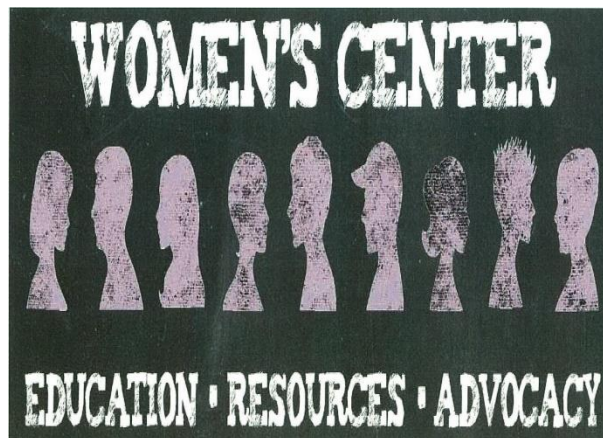
## ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2016

<b>Residential Facility</b>	<b>Total Fires</b>	<b>Fire #</b>	<b>Cause of Fire</b>	<b>Injuries Treatment at Med. Fac. Required</b>	<b>Deaths Fire Related</b>	<b>Estimated Value Property Damaged by Fire</b>
<b>Allegheny Hall –</b> 121 West Rosedale Ave.	0		N/A	0	0	0
<b>Brandywine Hall -</b> 709 South New St.	0		N/A	0	0	0
<b>College Arms Apts. -</b> 721-733 South High St	0		N/A	0	0	0
<b>Commonwealth Hall -</b> 715 South New St.	0		N/A	0	0	0
<b>East Village Apts. -</b> 250-258 East Carey Dr.	0		N/A	0	0	0
<b>Goshen Hall -</b> 125 North Campus Dr.	0		N/A	0	0	0
<b>Killinger Hall -</b> 115 West Rosedale Ave.	0		N/A	0	0	0
<b>McCarthy Hall -</b> 50 Sharpless St.	0		N/A	0	0	0
<b>Schmidt Hall -</b> 225 West Rosedale Ave.	0		N/A	0	0	0
<b>South Campus Apts. -</b> 831-852 South Campus Dr.	0		N/A	0	0	0
<b>Tyson Hall -</b> 225 North Campus Dr.	0		N/A	0	0	0
<b>University Hall -</b> 180 University Ave.	0		N/A	0	0	0
<b>Village Apts. -</b> 181-193 Carey Dr.	0		N/A	0	0	0

**WEST CHESTER UNIVERSITY  
JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME  
STATISTICS ACT, AS AMMENDED BY THE VIOLENCE  
AGAINST WOMEN REAUTHORIZATION ACT OF 2013**

West Chester University does not discriminate on the basis of gender in its educational programs and sexual misconduct and sexual violence are types of gender discrimination. Other acts can also be forms of gender-based discrimination and are also prohibited, whether sexually based or not, and include dating violence, domestic violence, and stalking. As a result, 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 that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a West Chester University official. In this context, West Chester University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community. For a complete copy of West Chester University's policy governing student and employee sexual misconduct, visit:

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualMisconduct/documents/sexualMisconductPolicy2018-19-WEB.pdf>



## **DEFINITIONS**

Below are the terms and their definitions as provided by the Department of Education and Pennsylvania crime statutes.

### **Sexual Assault**

"Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. 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.



## Rape

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

## Fondling

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

## Incest

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

## Statutory Rape

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

## Domestic Violence

The term "domestic violence" means;

1. Felony or misdemeanor crimes of violence committed by;
  - a. A current or former spouse or intimate partner of the victim;
  - b. A person with whom the victim shares a child in common;
  - c. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - d. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Dating Violence

1. The term "dating violence" means violence committed by a person; Who is or has been in a social relationship of a romantic or intimate nature with the victim and;
2. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition;
  - a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - b. Dating violence does not include acts covered under the definition of domestic violence.

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

## Stalking

The term "stalking" means;

1. 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.
2. For the purposes of this definition;
  - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - c. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.
3. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

## Consent

*(There is no official Department of Education definition of consent. Therefore, this definition is provided by the Commonwealth of Pennsylvania)*

Within the context of sexual activity, consent is defined as an informed decision made freely and actively by all parties. Conduct will be considered "without consent" if no clear consent, verbal or nonverbal, is given. Because sexual misconduct is defined as sexual activity that is undertaken without consent, each participant must obtain and give consent to each sexual act.

Consent is an affirmative decision to engage in mutually acceptable sexual activity, and consent is given by clear actions or words. People are strongly encouraged to talk with each other before and during any sexual interaction. Relying solely upon non-verbal communication can lead to miscommunication.

It should be noted that in some situations an individual's ability to freely consent is taken away by another person or circumstance. Examples include when an individual is significantly impaired due to alcohol or other drugs, scared, physically forced, passed out, intimidated, coerced, mentally or physically impaired, beaten, threatened, isolated, or confined.

People with mental disabilities cannot give consent to sexual activity if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves.

The mental disability of the victim must be known (or reasonably knowable) to the non-disabled sexual partner, in order to hold them responsible for the violation.

The following are clarifying points:

- Consent is required each and every time there is sexual activity;
- At any and all times when consent is withdrawn or not verbally agreed upon, the sexual activity must stop immediately;
- Consent to some levels of sexual activity does not imply consent to all levels of sexual activity. Each new level of sexual activity requires consent;
- The person(s) who initiate(s) a new level of sexual activity is responsible for asking for consent;
- A current or previous dating or sexual relationship with the initiator (or anyone else) does not constitute consent;
- Being intoxicated does not diminish one's responsibility to obtain consent;
- Bodily movements and non-verbal responses such as moans are not consent;
- Silence, passivity, or lack of active resistance is not consent

**DEFINITION OF TERMS AS DEFINED BY PENNSYLVANIA STATE CRIMINAL STATUTES ARE FOUND IN APPENDIX F**

## EDUCATION AND PREVENTION PROGRAMS

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

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

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

1. West Chester University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking as defined by the Clery Act;
2. Uses definitions provided both by the Department of Education and state law behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines that behavior and actions that constitute consent to sexual activity in the State of Pennsylvania and/or using the definition of consent found in the Student Code of Conduct and the purpose for which that definition is used;
4. Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm, including a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
5. Defines risk reduction as options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
6. Information regarding:
  - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs;
  - b. How the institution will protect the privacy of victims and other necessary parties;
  - c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims,

both within the institution and in the community;

- d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective; and;
- e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

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

### **West Chester University offered the following primary prevention and awareness programs for all incoming students in 2018:**

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

**DATES HELD:** June 14, 15, 20, 21, 22, 27, 28, and 29, 2018

**LOCATION HELD:** Sykes

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

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

**DATES HELD:** June 14, 15, 20, 21, 22, 27, 28, and 29, 2018

**LOCATION HELD:** Asplundh Auditorium

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

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

**DATES HELD:** August-September 2018

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

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

### **West Chester University offered the following primary prevention and awareness programs for all new employees in 2018:**

**NAME OF PROGRAM:** New Employee Orientations

**DATES HELD:** 6/20, 8/8, 9/5, 10/3, 10/31, 11/7, 11/17, 12/12/2018

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

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



**NAME OF PROGRAM:** New Faculty Orientation  
**DATES HELD:** August 2018  
**LOCATION HELD:** Sykes Ballrooms  
**PROHIBITED BEHAVIOR COVERED:** Sexual Harassment, Sexual Exploitation, Dating and Domestic Violence, Sexual Assault, Stalking and Discrimination and Harassment.

**West Chester University offered the following ongoing prevention and awareness programs for students in 2018:**

**NAME OF PROGRAM:** It's on Us Art Gala Brunch  
**DATES HELD:** 3/28/18  
**LOCATION HELD:** Phillips Library  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** It's on Us Open Exhibit  
**DATES HELD:** 4/19/18  
**LOCATION HELD:** Sykes Ballroom  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** It's on Us Kickoff  
**DATES HELD:** 10/24/18  
**LOCATION HELD:** Sykes Ballroom  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** It's on Us training – Building Allies in Violence Prevention  
**DATES HELD:** 12/17/18  
**LOCATION HELD:** Sykes Ballroom  
**PROHIBITED BEHAVIOR COVERED:** Bystander Intervention, Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Title IX training for Early Alert Grads  
**DATES HELD:** 1/16/18  
**LOCATION HELD:** Sykes Union meeting rooms  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Title IX Training for Contemplative Studies  
**DATES HELD:** 10/8/18  
**LOCATION HELD:** Academic classroom  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Paraprofessional Title IX Trainings  
**DATES HELD:** 8/24/18  
**LOCATION HELD:** Meeting rooms in residence halls and Sykes Student Union  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment.

**NAME OF PROGRAM:** Title IX Training Brown Bag Information Sessions  
**DATES HELD:** 2/5/18  
**LOCATION HELD:** Sykes Student Union meeting rooms  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Title IX Training for Athletic Teams  
**DATES HELD:** 2/20, 2/26-28, 3/2, 3/5, 3/20-23, 3/26-28, 4/2, 4/6, 4/12, 11/28, 12/5, and 12/7/18  
**LOCATION HELD:** Athletic team conference rooms  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Resident Advisor Title IX Training  
**DATES HELD:** 8/20/18  
**LOCATION HELD:** Main Hall  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Sexual Exploitation, Stalking, Dating and Domestic Violence.

**NAME OF PROGRAM:** Green Dot/Bystander Intervention  
**DATES HELD:** 9/27/18  
**LOCATION HELD:** Classrooms  
**PROHIBITED BEHAVIOR COVERED:** Bystander Intervention

**NAME OF PROGRAM:** Pyramid of Harm  
**DATES HELD:** 9/26/18, 11/8/18  
**LOCATION HELD:** classrooms  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** Situationships  
**DATES HELD:** 10/17/18, 10/18/18, 10/19/18  
**LOCATION HELD:** classrooms  
**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment

**NAME OF PROGRAM:** IOU Table

**DATES HELD:** 10/22, 10/23, 10/24, 10/25, 10/26, 11/14, 11/27/18

**LOCATION HELD:** Dining Hall, Sykes Hall

**PROHIBITED BEHAVIOR COVERED:** Sexual Assault, Dating and Domestic Violence, Sexual Exploitation, Stalking, Sexual Harassment, Supporting Survivors, Green Dot, Consent, Boundaries

**West Chester University offered the following ongoing prevention and awareness programs for employees in 2018:**

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

**DATES HELD:** 12/11/18

**LOCATION HELD:** Sykes Ballrooms

**PROHIBITED BEHAVIOR COVERED:** Bystander Intervention

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

**DATES HELD:** 1/11/18, 8/9/18

**LOCATION HELD:** Department conference room

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

**NAME OF PROGRAM:** Title IX Training for Academic Coordinators

**DATES HELD:** 7/26/18

**LOCATION HELD:** Department conference room

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

**NAME OF PROGRAM:** Title IX Training for Respondent Advisors

**DATES HELD:** 1/19/18

**LOCATION HELD:** Sykes classroom

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

**NAME OF PROGRAM:** Title IX Training Brown Bag Information Sessions

**DATES HELD:** 2/5/18

**LOCATION HELD:** Sykes Student Union meeting rooms

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

**NAME OF PROGRAM:** Title IX Training for Resident Directors

**DATES HELD:** 7/31/18

**LOCATION HELD:** Southside

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

## PROCEDURES FOR REPORTING A COMPLAINT

West Chester University has procedures in place that are sensitive to those who need to report sexual assault, domestic violence, dating violence, and stalking. This includes informing individuals about their right to file criminal charges as well as the availability of counseling, physical health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus. In addition, remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the West Chester University Department of Public Safety (Police) or local law enforcement or not. Students, employees, and third parties should contact the Title IX Coordinator, Lynn Klingensmith, Director of the Office of Social Equity, 114 West Rosedale Avenue, 610-436-2433.

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

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at the Chester County Hospital. In Pennsylvania, forensic evidence may be collected from the body of a victim even if the individual chooses not to make a report to law enforcement. A forensic exam is conducted by a sensitive and highly trained SANE nurse (Sexual Assault Nurse Examiner) and students and employees may go directly to Chester County Hospital to access this service. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful for a Title IX investigation, University hearing boards or police.

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The University will assist any victim with notifying local police if they so desire. To report an incident that occurred on campus, employees and students should contact the Department of Public Safety at (610-436-3311), dial 911, or contact the police in the area where the assault took place. Criminal charges can be filed against any type of perpetrator, including non-University members. Criminal charges of sexual

assault are entirely separate from violations of the Student Code of Conduct, which only applies to West Chester University students. Filing a formal report with the police is necessary when a victim 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.

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any student conduct hearing on campus arising from such a report:

The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

In all disciplinary proceedings involving allegations of sexual assault, dating violence, domestic violence and stalking, the University will use the preponderance of the evidence standard.

### Local Police Agencies

West Chester Police	410 East Gay Street West Chester, PA 19382	610-696-2700 / 911
West Goshen Twp. Police	1025 Paoli Pike West Chester, PA 19380	610-692-7400 / 911
Westtown East Goshen Police	1041 Wilmington Pike West Chester, PA 19382	610-692-9600 / 911
West Whiteland Twp. Police	101 Commerce Drive Exton, PA 19341	610-363-9525 / 911



## Sexual Assault

Depending on when reported, WCU will provide complainant with access to medical care

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report a SEXUAL ASSAULT/RAPE to the West Chester University Department of Public Safety, the Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services/providers.
- WCU will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact/Stay Away" directives between both parties if reasonably available.
- WCU will provide "No Trespass" directives or an "Interim Suspension" to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the retaliation policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for the filing of a sexual misconduct complaint.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal. The standard of evidence used is preponderance of the evidence, therefore, a decision of responsibility will be based upon presented evidence sufficient to make a reasonable person believe that it was more likely than not a student is in violation of University policy.

## Stalking

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report STALKING to the West Chester University Department of Public Safety, the Dean of Students Office, the Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.
- WCU will provide complainant with information regarding on and off campus services/providers.
- WCU will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No Contact/Stay Away" directives between both parties if reasonably available.
- WCU will provide "No Trespass" directives or an "Interim Suspension" to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.

- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will provide both the respondent and complainant an opportunity to review the investigation report prior to a hearing.
- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the retaliation policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for the filing of a sexual misconduct complaint.
- WCU will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

### Dating Violence

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

### Domestic Violence

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to report DATING VIOLENCE to the West Chester University Department of Public Safety the Dean of Students Office, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.

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

## ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

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

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

West Chester University complies with Pennsylvania law in recognizing orders of protection by advising any person who obtains an order of protection from any state within the U.S. to provide a copy to Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include,

but is not limited to: escorts, special parking arrangements, changing classroom locations or allowing a student to complete assignments from home. Other options may be available for a student on a case-by-case basis as the University determines what other measures must be taken.

The University cannot apply for a legal order of protection/protection from abuse (PFA) from the applicable jurisdiction(s). The victim is required to apply directly for these services and can be assisted by Public Safety if so desired. To obtain a Protection from Abuse (PFA) Order, Monday through Friday between 8:30a.m. and 2:00p.m., the victim must go to Family Court located on the 5th Floor of the Chester County Justice Center, 201 W. Market Street, West Chester, PA. To obtain a PFA after 4:30 p.m. on a business day, on the weekend, or on a day in which the Chester County Courthouse is closed, the victim must go to the on-call District Justice for an Emergency PFA. The victim should call his or her local police department to find out who is the district justice on-call. The Emergency PFA is only valid through the close of the next business day. For example, if a victim obtains an Emergency PFA on a Friday evening, that PFA is only valid through Monday at 4:30 p.m.

## **FAQ's REGARDING PROTECTION FROM ABUSE**

### **1. What is abuse?**

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

- Attempting to, intentionally or recklessly causing bodily injury, rape, spousal sexual assault or nonconsensual intercourse with or without a deadly weapon.
- Placing another, by physical threat, in fear of imminent serious bodily injury.
- False imprisonment.
- Physically or sexually abusing minor children.
- Stalking a person and placing that person in reasonable fear of bodily injury.

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

### **2. Who can file for protection under the act?**

You can file for protection if the person who has or is trying to harm you is or was your spouse, is or was living with you in a common-law marriage, is the parent of your child, is your child, is your parent, is your sexual intimate partner, is directly related to you by blood. If the abused person is a minor, then a parent, adult household member or guardian can file on behalf of the child.

### **3. Is there a cost for filing a Protection from Abuse order?**

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

decide not to proceed with the case. If you do not appear at your scheduled hearing your case will be dismissed and the court will hold you responsible for all costs.

#### **4. How and where do I file for a Protection from Abuse Order?**

If you are represented by counsel in any domestic relations matter (i.e. divorce, custody, support), you should contact your attorney for legal advice. However, if you do not have a lawyer, you must appear in person at the Chester County Justice Center, Family Court Administration Office, 201 West Market Street, 5th Floor, Suite 5301, West Chester, PA 19380-0989. There are no attorneys on staff to provide legal advice for you; the PFA Coordinator will assist you in filing the paperwork that is needed. The PFA Coordinator may not give you legal advice.

You must be abused (read definition above) in order to qualify for the PFA. The coordinator will assist you in completing the necessary paperwork and will explain the remedies to you under the PFA Act. After completing the paperwork, the coordinator will present your petition to the judge on your behalf.

You may call Family Court for an appointment. Protection orders can be filed Monday through Friday (8:30a.m– 2:00p.m.)

Please take into consideration that the filing procedure for the protection from abuse order is a lengthy process lasting anywhere between 2-3 hrs. For this reason, no petitions for protection orders may be started later than 2:00 p.m. Any later and the party runs a risk of the court closing before completing the procedure.

#### **5. What should I bring with me when I go to file for a Protection from Abuse Order?**

Please come prepared with the following information:

- Names (all persons and parties)
- Date of birth (all persons and parties)
- Social security numbers (all persons and parties)
- Address where the person may be found (including places that they frequent)
- Any documentation relating to the case (i.e. medical reports, police reports, or photographs)
- Photograph of alleged assailant
- Vehicle make, model, style, and license plate
- Number of alleged assailant
- Photograph of alleged injury from the assault
- Because the Justice Center does not have a day care program available, unless your minor child is the victim of the alleged abuse, please make appropriate child care arrangements to leave the child at home. If that is not possible, please bring someone to watch them while you are being assisted.

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

In case of an emergency or if you've been assaulted, contact your local police department or 911. If you are in immediate and present danger of abuse, a Petition for Emergency Relief



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

## **7. How do I receive a temporary protection order after filing a petition for protection from abuse?**

After filing a petition for protection from abuse, a judge will review the case to determine if a temporary protection order should or should not be granted. If the judge believes a Temporary Order should be issued, he/she will issue a temporary protection order. All cases will then be scheduled before a judge in the Chester County Justice Center within 10 days.

## **8. How is the alleged assailant notified of the temporary protection from abuse order?**

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

## **9. How do I get a final protection from abuse order?**

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

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

A Protection from Abuse Order may contain the following relief:

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

- Award you temporary custody of your children and may grant you temporary support for yourself and/or the children of the alleged assailant (THIS MAY NOT APPLY IN ALL CASES).

Terms of order may vary depending on each specific circumstance. If you are awarded custody/support you must follow up by filing the appropriate custody/support actions in a timely manner. Do not wait until your order expires. Speak to an attorney prior to taking these actions for legal advice.

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

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

### **12. What if the alleged assailant violates the order?**

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

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

All civil matters, including your PFA, get filed in the Chester County Office of the Prothonotary, located on the first floor of the Justice Center at 201 W. Market Street in West Chester, PA. You may go in person and request your copies.

### **14. What Domestic Violence Programs exist in Chester County?**

These services include crisis hotlines, safe homes or shelters, legal advocacy, community education, counseling, systems intervention, transportation, as well as information and referral. A domestic violence counselor may be available to help an abused person seek a protection order. Your local domestic violence hotline is available 24 hours a day, and all services are confidential. For more information look in the blue pages of your local phone book or contact:

The Crime Victims' Center of Chester County 24 Hour Crime Hotline:  
(610) 692-7420

The Crime Victims' Center of Chester County 24 Hour Sexual Assault Hotline:  
(610) 692-7273

The Domestic Violence Center of Chester County  
(Toll Free) (888) 711-6270

## 15. How can I find a Lawyer?

Chester County Lawyer Referral Service at the Chester County Bar Association  
(610) 429-1500

Chester County Legal Aid  
(610) 436-4510  
14 E. Biddle St.  
West Chester, PA 19380

More information on obtaining a Protection from Abuse Order in the State of Pennsylvania can be found here: [www.chesco.org/3655/Protection-from-Abuse](http://www.chesco.org/3655/Protection-from-Abuse).

West Chester University may issue an institutional "no contact" order if deemed appropriate or at the request of the victim or accused. To the extent of the victim's cooperation and consent, University offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant will be offered changes to academic, living, transportation and working situations or protective measures regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the appropriate office as follows:

Students:

Director of Residence Life – Ms. Marion McKinney, 610-436-3307  
[mmckinney@wcupa.edu](mailto:mmckinney@wcupa.edu)

AVP for Student Affairs/Dean of Students - Dr. Gerald Martin, 610-436-1074  
[gmartin2@wcupa.edu](mailto:gmartin2@wcupa.edu)

Director of Operations for Affiliated Housing – Ms. Alexa Labresco, 610-692-7413  
[alebresco@ushcommunities.com](mailto:alebresco@ushcommunities.com)

Employees:

AVP of Human Resources - Ms. Kate Bove (interim), 610-436-2800  
[kbove@wcupa.edu](mailto:kbove@wcupa.edu)

## On and off campus services for victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, West Chester University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

ON CAMPUS	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling Center	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach	Dr. Rachel Daltry Senior Director	610-436-2301
Health	Clinical Services- General health care, immunizations, TB testing, medications, sexual health Wellness Promotion – Wellness education, alcohol/tobacco/ and other drugs, nutrition services	Clinical Services:  Wellness Promotion: Jamie Trogus – Senior Director	610-436-2336
Mental Health	See Counseling	Dr. Rachel Daltry	610-436-2301
Legal Assistance	Legal consultation	Sandy Jones	610-436-2984
Visa and Immigration Assistance	Issue the Form I-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	Angela Howard	610-436-3515
Student Financial Aid	Financial Aid, Work Study, Financial Literacy	Brandon Vinson	610-436-2627
University Police	Escorts, Emergency Medical Services, Crime Prevention	Chief Jon Brill	610-436-3478
Multicultural Center	Programs, activities and service	Dr. Dametraus Jagers	610-436-3273
Office of the Title IX Coordinator	Sexual Misconduct information	Lynn Klingensmith	610-436-2433

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

Police	Reporting, Emergency medical services, Crime prevention	West Chester Borough Police	610-692-2700
Police	Reporting, Emergency medical services, Crime prevention	West Goshen Township Police	610-696-7400

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

Rape, Abuse and Incest National Network- [www.rainn.org](http://www.rainn.org)

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

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

Pennsylvania Coalition Against Rape- [www.pcar.org/](http://www.pcar.org/)

Pennsylvania Coalition Against Domestic Violence – [www.pcadv.org/](http://www.pcadv.org/)

Department of Justice, Office on Violence Against Women – [www.justice.gov/ovw](http://www.justice.gov/ovw)

Additionally, victims may request that directory information on file with the University be withheld by request. Those wishing to do so should contact the Office of the Registrar. Regardless of whether a victim has opted-out of allowing the University to share directory information personal identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. For example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20) Further, 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 victims in the campus police department's Daily Crime Log or online. Victims 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.

**How to be an active bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it." We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial



911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

## Risk Reduction

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

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't 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 cab money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

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

## **ADJUDICATION OF VIOLATIONS**

### **Student sexual misconduct policy and procedures overview**

Sexual misconduct, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. A Title IX investigation is separate from a criminal investigation by the police and courts. Victims of any form of sex discrimination, sexual violence, sexual misconduct or gender-based misconduct are encouraged to report the incident to the Title IX Coordinator:

Lynn Klingensmith  
Office of Social Equity  
114 West Rosedale Avenue  
[LKlingensmith@wcupa.edu](mailto:LKlingensmith@wcupa.edu)  
610-436-2433

Additionally, University employees are required to report any incident of sexual misconduct that they witness or that is reported to them and provide the name of the victim to the Title IX Coordinator. The Title IX Coordinator will speak with the victim to: ensure that she or he is aware of available resources, - services, and interim safety measures to assist with the physical and emotional aftermath of the incident; advise the victim of the complaint filing options; and take any necessary steps to ensure the safety of the West Chester University community.

### **To file an anonymous report**

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

Anonymous reports can be filed by submitting a Sexual Misconduct Incident Report form via the on-line link;

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualMisconduct/wantToReport.aspx>

Additionally, paper copies can be downloaded from the site or by visiting any of the offices listed in the On-Campus Resources section of the policy. Paper copies of the form via campus or postal mail should be directed to Lynn Klingensmith, Title IX Coordinator, Office of Social Equity, 114 West Rosedale Avenue, West Chester University, West Chester, PA 19383.

The Sexual Misconduct Incident Report Form is used to collect statistical information, which must be passed along to campus law enforcement for publication in the annual Campus Security Report as required by the Jeanne Clery Act. Such information helps to provide the community with a clear picture of the extent and nature of campus crime in order to ensure greater safety. No names or other personally identifying information is used in the Campus Security Report, which can be found on the Department of Public Safety website at [www.wcupa.edu/dps/](http://www.wcupa.edu/dps/).

The Sexual Misconduct Incident Report Form can be completed by a student, staff, faculty, community member, parent, or anyone with information to report. Those who have been identified as Campus Security Authorities (CSAs) should not fill out the Sexual Misconduct Incident Report Form. Instead, CSAs are required to submit an online Clery Act Report <https://www.wcupa.edu/csa/Login.aspx> If you have any questions about Campus Security

Authorities (CSAs) or the Clery Act Report, please contact the Director of Public Safety at 610-436-3478.

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

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

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

### **Confidentiality and Reporting**

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

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

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

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

Under Title IX, the University has an obligation to investigate all incidents of sexual misconduct, and make victims aware of the resources available to them, while striving to respect the privacy and confidentiality of the victim. Consistent with this and related obligations under Title IX, the confidentiality of all parties to the complaint of sexual misconduct will be observed by University personnel to the extent possible. The University's obligation to protect the safety of its students and to record statistics may not permit complete confidentiality, but the University shall take the

necessary measures to ensure that the information shared is limited to those individuals required to know pursuant to law, regulation or University policy. In life-threatening situations, confidentiality is not legally possible and University employees will contact emergency personnel immediately.

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

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

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

### **Employee sexual misconduct policy and procedures overview**

The procedures described in West Chester University's Sexual Misconduct Policy represent the University's method for responding to complaints of sexual misconduct whether those complaints are formal or informal involving employees as the accused party. The procedure for informal complaints calls for prompt review and mediation if desired, followed by action intended to prevent any misconduct. The procedure for formal complaints also results in prompt review which may result in disciplinary action against someone who has sexually harassed another. To the extent possible, the University expects to complete the investigation within fifty (50) business days of receiving a written complaint unless there are extenuating circumstances which may prevent the University from complying with this timeframe.

The complainant has the right, consistent with this policy's time frame, to file a formal complaint at any time during the informal process or if satisfactory results are not achieved through the informal process. The complainant also has the option of pursuing formal complaints through the following public agencies responsible for enforcing the laws against sexual misconduct within the time frames listed. PA Human Relations Commission (215) 560-2496 (180 days); U.S. Dept. of Education, Office for Civil Rights (215) 656-8541 (180 days); Equal Employment Opportunity Commission (800) 669-4000 (300 days.)



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

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

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

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

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. In recognition of the dignity and reputations of all parties, it is the intent of the University's employees officially involved in the proceedings or investigation to preserve the confidentiality of the complaints and all proceedings. Disclosure of the complaint will be limited to individuals who, in the interest of fairness and problem resolution, have a need to know. The complainant and the accused are expected to maintain confidentiality consistent with the intent of the University.

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

### **The complaint process**

The sexual misconduct complaint process includes different types of procedures for resolving complaints from individuals who believe they may have been the subject of a specific act or a pattern of behavior falling within the definition of sexual misconduct. The individual can, if he or she chooses, inform the offender orally or in writing that those actions are offensive and to ask firmly

that they cease. However, should the oral or written request not stop the misconduct or if such a request is too difficult to make, then the individual may discuss the issue with the offender's supervisor, department chairperson or dean, or contact any of the below listed University offices to seek assistance.

Title IX Coordinator/Director of Social Equity  
114 West Rosedale Avenue (610) 436-2433

Director of Center for Women's and Gender Equity  
Lawrence Center – Room 200 (610) 436-2122

Assistant Dean of Students/Director of Student Conduct  
Ruby Jones Hall - Room 200 (610) 436-3511

Assistant Vice President for Student Affairs/Dean of Students  
Lawrence Center – Room 202 (610) 436-2117

Associate Vice President for Human Resource Services  
201 Carter Drive – Suite 100 (610) 436-2800

The above noted offices serve as an initial point of contact and provide information regarding sexual misconduct and the University's procedures in handling complaints. The Social Equity Director will be responsible for initially determining if the complaint may represent a violation of the University's sexual misconduct policy. If the Social Equity Director determines that the complaint does not violate the University's Sexual Misconduct Policy, the individual filing the complaint will be so advised and the on-campus case will be closed. If there is a disagreement with this decision, the individual filing the complaint may ask that the decision be reviewed by the Review Panel. The Social Equity Director does maintain the right to refer the case to other appropriate officials if it appears there may be other misconduct not construed to be sexual misconduct. If the Social Equity Director determines that the allegation may represent a violation of the University's sexual misconduct policy, the complainant may choose to process the complaint through either the informal or formal procedures.

### **Informal complaint procedure**

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

The complainant initiates the informal procedure by filing a written complaint. Upon review of the informal complaint, the Social Equity Director/Title IX Coordinator will contact the accused to arrange a meeting to inform the individual of the complaint. If the person making the accusation is a student enrolled at the time in the class of the accused, upon request of the student, the Social Equity Director may delay the notification until after the completion of the semester. The Social

Equity Director will advise the accused of the informal complaint procedures and describe the alleged behaviors which are considered to be offensive by the complainant.

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

The Social Equity Director/Title IX Coordinator will send a written summary of the outcome to the parties. If the complainant is not satisfied with the outcome, the complainant may choose to file a formal complaint utilizing the University's sexual misconduct policy or through external agencies. If the Social Equity Director makes a determination that there is a need for a formal investigation, the formal process may be initiated on behalf of the University.

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

### **Formal complaint procedure**

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

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

After accepting a written formal complaint, the Social Equity Director/Title IX Coordinator will appoint a fact finder. When appropriate, as determined by the Social Equity Director/Title IX Coordinator, two fact finders may be assigned to a case. The Social Equity Director/Title IX Coordinator will notify the parties of the fact finder's identity. In addition, the appropriate manager, supervisor and/or chairperson will be advised. Fact finders are specifically trained and impartial faculty or staff. The fact finder's role is to investigate complaints and make findings of fact pertaining to the complaint.

Investigating complaints includes but is not limited to access to records and interviewing the complainant, accused and others who may have relevant information. The fact finder has sole discretion to determine the scope and format of the investigation.

The fact finder will submit a report of his or her findings to the Social Equity Director/Title IX Coordinator. The Social Equity Office will then convene the Review Panel. This Panel, consisting of three individuals selected by the Social Equity Director from the pool of specifically trained and impartial faculty or staff, will serve as consultants to the Social Equity Director/Title IX Coordinator in formulating an opinion as to whether reasonable cause exists to believe that a violation of the University's Sexual Misconduct Policy has occurred. In consultation with the Review Panel, the Social Equity Director/Title IX Coordinator will formulate an opinion on whether there has been a violation of the University's policy on sexual misconduct. The facts will be evaluated using a preponderance of the evidence standard to determine if a violation of this policy has occurred.

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

If it is the opinion of the Social Equity Director/Title IX Coordinator that there is reasonable cause to believe that the University's policy on sexual misconduct has been violated, the Social Equity Director/Title IX Coordinator will forward the fact finder's report, the Review Panel's recommendations and the Social Equity Director's opinion to the appropriate manager. Copies of these documents also will be provided to the accused.

The manager will utilize the existing University pre-disciplinary conference procedures, ensuring that the accused employee has the opportunity to be represented, if so desired, by his or her union representative during the pre-disciplinary conference proceedings. After completing the pre-disciplinary conference, the manager in consultation with the Associate Vice President for Human Resource Services and other University officials as needed, will determine if discipline is appropriate, and if appropriate, what level of discipline should be imposed.

Disciplinary actions for violation of the University's sexual misconduct policy are: termination, suspension without pay, written warning, verbal warning, memorandum of instruction, reassignment, demotion and training. The manager is not bound by the opinion of the Social Equity Director/Title IX Coordinator and reserves the right to make his or her own final determination.

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

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

Reports of all domestic violence, dating violence, sexual assault and stalking made to campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

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

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualMisconduct/documents/sexualMisconductPolicy2018-19-WEB.pdf>

1. How to File a Disciplinary Complaint Under this Policy for students;

A victim initiates disciplinary action by filing a complaint with the Office of Diversity, Equity and Inclusion. The policy that explains this may be accessed at;

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualMisconduct/default.aspx>

Hard copies are also available at the Office for Diversity, Equity and Inclusion. The first page of the policy reads:

*West Chester University strongly encourages prompt reporting of sexual offenses to the police but recognizes that people who experience sexual misconduct have the right to decide whether to file a criminal report with the police, a complaint with the University, an anonymous report, or no report at all.*

- Anyone can file a report whether they are a victim, witness, or concerned third party.
- Victims have the option to file both a criminal report with the police and a report with the University. [www.wcupa.edu/sexualmisconductreport](http://www.wcupa.edu/sexualmisconductreport)
- Filing a report does not mean that you have to be involved in a police investigation or talk to the accused.
- A victim has the right to request a victim advocate to go with them when filing a report with the police or with the University. Call the Crime Victims' Center of Chester County to request a victim advocate (610-692-7273).
- The intentional filing of a false report will not be tolerated. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal laws and civil defamation laws.

Also, upon reaching the Office for Diversity, Equity and Inclusion homepage, there is a red button that reads "Report an Incident." It leads to the following website, <https://www.wcupa.edu/admin/diversityEquityInclusion/reportIncident.aspx>, where all types of misconduct, including sexual misconduct, can be reported. Clicking on the type of misconduct



will direct the reporter to an online form. Once the form is submitted, it is assessed by the Office for Diversity, Equity and Inclusion, who will reach out to the Complainant.

Additionally, on our sexual misconduct page, there is a large button that reads "I want to report" which also leads to the online reporting form.

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualMisconduct/wantToReport.aspx>

More information about filing a report is given in the policy. If you have any questions, the offices or staff members listed in the On-Campus Resources section of the policy can offer information and support. Choose any office with whom you feel most comfortable.

*Amnesty and Reporting:*

- A victim or witness who is under the influence of alcohol or drugs at the time of a sexual misconduct incident generally will not face disciplinary charges from the University or from the Department of Public Safety for underage drinking or drug use.

***To file a police report:***

Those who want to press criminal charges against an accused(s) should contact the Department of Public Safety (610- 436-3311), dial 911, or contact the police in the area where the assault took place. Criminal charges can be filed against any type of accused, including non-WCU members. Criminal charges of sexual assault are entirely separate from violations of the Student Code of Conduct, which only applies to WCU students. Filing a formal report with the police is necessary when a victim would like to initiate a criminal investigation by the police. Anyone who has been sexually assaulted may choose to pursue both criminal prosecution and university disciplinary processes. If the incident occurred off-campus, the WCU Public Safety will assist the complainant in filing the complaint in the appropriate jurisdiction.

***To file a complaint for Title IX violation/Student Conduct Report:***

Sexual misconduct is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. A Title IX investigation is separate from a criminal investigation by the police and courts. Victims of any form of sex discrimination, sexual misconduct or gender-based harassment are encouraged to report the incident to the Title IX Coordinator/ Director for Equity and Compliance:

- Lynn Klingensmith, Title IX Coordinator/Director for Equity and Compliance, 114 West Rosedale Avenue, [lklingensmith@wcupa.edu](mailto:lklingensmith@wcupa.edu), 610-436-2433

***To file an anonymous report:***

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

- Submit a Sexual Misconduct Incident Report Form (see below for more information on this form) online at [www.wcupa.edu/sexualmisconductreport](http://www.wcupa.edu/sexualmisconductreport). If you cannot complete the form online please contact Lynn Klingensmith, Title IX Coordinator/Director for Equity

and Compliance, Office for Diversity, Equity and Inclusion, 114 West Rosedale Avenue, West Chester University, West Chester, PA 19383, 610-436-2433 or [lklingensmith@wcupa.edu](mailto:lklingensmith@wcupa.edu).

- Call the Anonymous Crime Tip Line operated by the Department of Public Safety at 610-436-3100.

## 2. How the University Determines Whether This Policy will be Used;

Once a sexual misconduct report is submitted the complainant will be contacted by the Title IX Coordinator/Director for Equity and Compliance (or designee) and determine if an investigation needs to be conducted. The Title IX Deputy Coordinator (or a designee), in some cases with a co-fact finder, will conduct a fact-finding investigation with all involved parties and witnesses. The investigation of a complaint will be conducted in a timely manner, and will be completed within fifty days unless there are extenuating circumstances based on the case. At the conclusion of the investigation, the fact finders prepare a report detailing the incident and their findings. The Title IX Coordinator/Director for Equity and Compliance will, if appropriate (and will also consult with the victim/complainant, if needed) forward the case to the Office of Student Conduct who will provide a secondary review for the disciplinary process. The Title IX Coordinator/Director for Equity and Compliance will consult with the Director of Student Conduct for any cases that should necessitate bypassing the fact-finding process and move immediately to the Student Conduct process.

## 3. Steps in the Disciplinary Process; Procedures for Resolution

### A. WRITTEN LETTER OF NOTICE

If the initial incident report or investigation report determines there is sufficient information establishing that a Student Code of Conduct violation may have occurred, the Office of Student Conduct will issue charges of alleged violations. Students will receive, via their University email, a written notice containing a description of the alleged misconduct, the rules of conduct allegedly violated, and the approximate date, time and place of occurrence. This notice will include a reasonably sufficient interval to allow the student to prepare a response to the allegation(s), typically three to five days.

Offenses occurring at the end of any semester will be adjudicated within a time frame deemed appropriate and reasonable by the Office of Student Conduct. If group conduct is under review, the leader and advisor(s) of the student group shall be notified in writing of the specific violations. All allegations of violations of the Student Code of Conduct shall be heard by a University hearing officer or board under the supervision of the Assistant Dean. The scheduling of conduct meetings and hearings by a hearing officer or board is at the discretion of the Office of Student Conduct. Students will be given the opportunity to (1) waive their right to a hearing, accept responsibility for the violations, and accept outcomes from the hearing officer; (2) to accept responsibility for the violations and seek review of sanctions offered by presenting their situation in a sanctioning hearing; or (3) request a formal hearing to challenge the information presented in the initial incident reports. Formal hearings will be granted for cases where a loss of housing, suspension, or expulsion are a potential outcome. Students who face other outcomes may also request a formal hearing; however, consideration will be given to the reason for the request, the facts in disagreement, and/or the ability to include

additional information unavailable to the original hearing officer. In the event a formal hearing request is denied, the student will be notified by email and the case will be decided. Any student or student group representative who fails to appear at an initial conduct meeting will be automatically scheduled for a second conduct meeting. Any student or student group representative who fails to appear at the second scheduled conduct meeting, a sanctioning hearing, or a formal hearing, consents to the resolution of said case in their absence. Should the student or student group be suspended or expelled as a result, they may request a denovo hearing during the time of the appeal period as noted in the outcome letter.

## B. CONDUCT MEETING

During the informal conduct meeting, the accused student or group is scheduled to meet with a hearing officer to review reported details, address questions about process, and discuss their personal level of responsibility. In addition, the accused student is expected to state whether they are or are not responsible for the alleged violation(s). Students will be apprised of the expected range of sanctions possible for the listed violations. If the student accepts responsibility and the sanctions for the Student Code of Conduct violation(s), no formal hearing will occur. If the student accepts responsibility for the agreed upon violations but not the sanctions, the student can request a sanctioning hearing. If the student does not accept responsibility for the violations, this conduct meeting will then serve as a pre-hearing conference to support the student in explaining the hearing process and to complete the formal hearing request.

## C. SANCTIONING HEARING

Students may request a sanctioning hearing when students accept responsibility for the violations at the conduct meeting but disagree with the proposed sanctions. The Office of Student Conduct will assign this to a new Administrative Hearing Officer or a Board. At the sanctioning hearing, the responsibility for the violations will be accepted as agreed upon during the informal conduct meeting and the sanction recommendations will be shared. This process provides the student with an opportunity to present their case for an alternate sanction outcome. The Hearing Officer or Board has the authority to remove, add, or amend the originally proposed sanction(s) or accept the recommended sanctions and conditions proposed at the original conduct meeting.

## D. GROUP CONDUCT MEETING

The informal meeting provides the student group leadership the opportunity to meet with a hearing officer to review reported details, ask questions about process, and discuss the group's level of responsibility. In addition, the group leadership is expected to state whether they are or are not responsible for the alleged violation(s). Following the completion of verbal discussion and resolution of the points of conflict, all involved parties may accept all agreed-upon responsibility and proposed sanctions. If the points of conflict regarding sanctions cannot be resolved in the meeting, the group's case will then move to a sanctioning hearing where the group will have an opportunity to present suggested sanctions. If disagreement exists in the responsibility and the resolution of responsibility cannot be made, the case can be filed for a Formal Hearing before the University Hearing Board.

## E. FORMAL HEARINGS

- a. The purpose of a hearing is to review the facts and circumstances of the alleged incident and to accept all evidence and statements offered during the hearing in order to determine the student's or student group's level of responsibility. In determining whether a violation has occurred, a "preponderance of the evidence" standard is applied.
- b. Witnesses: Involved students may want to include witnesses on their behalf. The University Case Presenter and the accused student shall have the right of presenting witnesses. Accused students and complainants in sexual misconduct hearings may submit questions to the chair for responses by the opposing party. All parties must provide a list of potential witnesses to the Office of Student Conduct prior to the hearing as they are subject to cross examination. The office will provide the witness list(s) to all relevant parties with the exception of group misconduct cases\*. If a formal investigation was conducted, any witness present must have been identified and accessible during the investigation process. If a witness is not provided during the investigation process, then the student's presentment of that witness during the hearing is at the discretion of the hearing facilitator and should only be allowed based on new information not known during the investigation process. Character witnesses and statements will not be allowed. \*In cases involving allegations of policy violations by student groups, evidence of misconduct may be presented by the investigator rather than through each individual witness.
- c. All materials to be presented at the hearing must be submitted to the Office of Student Conduct prior to the hearing. The hearing facilitator will make copies of submitted materials available for inspection (not for duplication) to all relevant student parties prior to the hearing.
- d. Any materials submitted less than four calendar days before the hearing may only be considered at the discretion of the hearing facilitator. Further, the hearing facilitator holds ultimate discretion over what records, exhibits, and written statements may be accepted as information for consideration by the hearing officer or University Hearing Board.
- e. All procedural questions, including those regarding materials and testimony that will be presented during the hearing, are subject to the final decision of the hearing facilitator.
- f. The hearing facilitator has the responsibility for maintaining order and decorum. They have the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The hearing facilitator has the authority to direct the time of entrance and exit of all parties participating in the hearing. All hearings are closed proceedings. A student group may file an advance request to allow additional student group leaders to attend the hearing as non-participants, however, they may not be accused students nor witnesses in the case.

#### 4. Anticipated Timelines

Student notification of potential violations and a scheduled opportunity to meet will typically be sent to the student within 1-10 days of the incident report. A conduct meeting is scheduled 3-10 days from the notification. Sanctioning hearings are generally scheduled in 20 business days and formal hearings are scheduled between 10- 30 business days, depending on the availability of participants.

## 5. Decision-Making Process

At a formal hearing that is initially scheduled or requested by a student or student group, the following procedure will be followed to the extent possible:

- A. The hearing officer/board shall open the proceedings by reading the statement of alleged violations.
- B. Before presenting any testimony, each person must submit to an oath where they swear and affirm the truth of statements to be made.
- C. The University Case Presenter shall then present its case against the accused party. This shall be done by the submission of written, physical, and/or testimonial evidence.
- D. In sexual misconduct cases, questions between the complainant and the accused will be submitted to the hearing facilitator. They will review and if necessary, will appropriately revise for repetitiveness, relevance, essential rephrasing. The chairperson will then relay the questions to the appropriate party.
- E. At the conclusion of the University Case Presenter's presentation, the accused party shall present a response to the allegations. This shall be done by the submission of written, physical, and/or testimonial evidence.
- F. At the close of the hearing, the hearing facilitator will allow closing statements by the parties, which may include rebuttal comments.
  - a. Any person who commits an action that interrupts the proceedings or refuses to comply with a reasonable order of the hearing officer/board shall be subject to removal from the hearing.
  - b. All matters upon which the decision will be based must be introduced into evidence at the hearing.
  - c. All formal hearings will be recorded and subject to the Disciplinary Records and Retention policy. Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. If such records contain sensitive or confidential information, a request for a copy will be denied. Personal recording of the hearing is prohibited and subject to criminal prosecution.
  - d. There are two types of formal hearings – an administrative hearing, conducted by one University employee, and a University Board Hearing. A University Board Hearing is conducted by three University community members. University board members each have an equal vote in the outcome of the proceeding. Each member is trained in advance and pre-screened on a case by case basis to eliminate familiarity with the involved parties.
  - e. Once responsibility is determined, in addition to testimony and evidence presented at a conduct meeting or hearing, a hearing officer/board may consider the following elements before rendering a sanction:
    - i. Academic records and class year;
    - ii. The nature and severity of previous discipline records including that which is public record;
    - iii. Attitude of the accused during the conference and/or hearing;
    - iv. Whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the University community.

The University retains the right to continue a hearing whenever necessary and appropriate. Any students or student group who fail to appear at a scheduled hearing consent to the conducting



of said hearing in their absence. Should the student be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter.

If during or after the conduct process it is determined that individuals intentionally misrepresented the facts of the case in their testimony, they may be referred to the office of Student Conduct or appropriate University office. If this misrepresentation is discovered after a hearing, the Office of Student Conduct, in consultation with the hearing officer/board, will review the evidence to determine whether the case should be reopened and/or a new hearing scheduled.

The Office of Student Conduct will issue a written statement of the findings of fact and reasons for the decision (referred to as an "Outcome Letter") to the accused within 30 business days after the close of the hearing.

## 6. Standard of Evidence

Case resolution will be based upon evidence sufficient to make a reasonable person believe that the facts sought to be proven are more likely true than not, otherwise known as preponderance of the evidence.

## 7. Possible Sanctions

Sanctions; Sanctions include status changes and task conditions.

### A. INDIVIDUAL STUDENTS

1. Residential Warning: In instances of less serious deviations from the Office of Residence Life's Residential Policies, the student(s) may be provided a verbal or written warning of the possible consequences of continuing such behavior.
2. Residential Reprimand: This action is a formal admonition on behalf of the Office of Residence Life and is intended to clearly document that the behavior has been deemed inappropriate.
3. Residential Probation: This action signifies that a student is no longer in good standing with the University's residential living program. The student is also advised that any subsequent violation of the Student Code of Conduct may result in the student's involuntary relocation or removal from University owned or affiliated student housing for a designated period of time. A student will remain on Residential Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later.
4. Interim Residential Suspension: The Assistant Dean or designee may impose an interim loss of housing wherein the student whose presence in residence constitutes a threat to the health, safety, and welfare of the student or others, or the welfare of the University, its property, or personnel. The student is involuntarily removed from University owned or affiliated student housing for a designated period of time. During this time, the student is banned from all University owned or affiliated student housing. In such cases, an administrative hearing will be convened within 10 University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the

- earliest possible date. There will be no refunding of housing fees in accordance with University policy.
5. Residential Suspension: The action indicates that the student has been temporarily removed from University housing for a specified period of time or until the completion of specific conditions. A residential suspension involves the student's removal from housing altogether; however, a student may reapply for housing at a later date. Access to all University owned or affiliated student housing is prohibited during the residential suspension. There will be no refunding of housing fees in accordance with University policy. The hearing officer may establish requirements that must be fulfilled to their satisfaction prior to reinstatement in University owned or affiliated student housing. A student may not return to university owned or affiliated residential housing with incomplete sanction conditions. Students eligible to return to University owned or affiliated student housing must apply for consideration to the Dean of Students. No housing or room selection priority will be afforded to the student when returning to University owned or affiliated student housing.
  6. Residential Loss of Housing: The student is informed in writing that, as a result of the sanction imposed, they are being involuntarily and Access to University owned or affiliated student housing including visitation is prohibited. Removal from University owned or affiliated student housing means that the student must properly check out of his/her room or apartment in accordance with existing University procedures within the time constraints established by the hearing officer. There will be no refunding of housing fees in accordance with University policy. Arrangements for continuation of the meal plan must be made with the Associate Director of Housing and Dining Administration.
  7. Disciplinary Reprimand: The student is informed in writing that their behavior has been in violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior, and to remind the student of their responsibility to the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action.
  8. Disciplinary Probation: The student is informed in writing that they are being placed on disciplinary probation for a specific period of time. Probation is a period of review and observation during which the student must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. Any subsequent violation of University regulations during the probationary period will be evaluated within the context of the student's probationary status. This sanction may specify any conditions with which the individual must comply, any privileges that may be withheld, and/or the loss of privilege to represent the University in an official capacity (e.g., varsity and non-varsity intercollegiate events, plays, holding office, or participation in university government or related groups). Probation may also include a written agreement between the student and the University, which is in effect for a specific period of time. Students found responsible for any further violation of the Student Code of Conduct while on probation may be suspended from the University.
  9. Final Disciplinary Probation: Final probation is imposed only in very serious cases stipulating that a student, in lieu of active University suspension, is being allowed to remain at the University provided that the student adheres to certain conditions, as set by the board or administrator. Final probation may include removal from all University housing and loss of visitation privileges to buildings or areas of university and is imposed

- for a specified period of time. A student will remain on Final Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later. Students found responsible for any further violation of the Student Code of Conduct while on final probation may be suspended from the University.
10. Interim University Restriction: The student is immediately BANNED from all or some of the university facilities as noted in the letter. A university BAN includes but is not limited to Lawrence Hall, the Recreation Center, university athletic spaces, fields, parking lots and all University owned and University affiliated student housing. If the student resides on-campus, they will need to vacate their residence until this matter is resolved. Failure to vacate and return the key by the due date, or abide by University policies will result in an immediate period of disciplinary suspension until the violations of the Student Code of Conduct can be addressed.
  11. Interim Disciplinary Suspension: The Assistant Dean or designee may impose an interim suspension including removal from University owned or affiliated student housing upon any student whose presence on-campus constitutes a threat to the health, safety, and welfare of the student or others, or the welfare of the University, its property, or personnel. During an Interim Suspension, a student may not attend classes or participate in online or distance education courses, participate in University activities, and/or be on University property. The Interim Suspension shall remain in effect until such time it has been modified by the Assistant Dean. In such cases involving currently enrolled students, an administrative hearing will be convened within ten University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. For student who are not currently enrolled, their hearings may take up to 60 University days for scheduling.
  12. Disciplinary Suspension: The student is informed in writing that they are being involuntarily separated from the University for a designated period of time. A student may not attend classes or be enrolled in online or distance education, take exams, receive grades, or be on authorized University property except for authorized University business during the suspension period. Authorized University business must be approved in advance by the Assistant Dean, or designee. After this period of suspension, the student must seek written approval from the Assistant Dean to return to the University as a student or visitor. Students suspended for two or more consecutive semesters must also reapply through the Office of Admissions. The hearing officer may establish additional requirements that must be fulfilled to the Assistant Dean's satisfaction prior to reinstatement. There will be no refunding of tuition or fees. The assignment of grades will be in accordance with the policy established for suspensions/expulsions. The student's parents, guardians, or sponsors may be notified in writing in accordance with the policy previously cited.
  13. Disciplinary Expulsion: The student is informed in writing that they are being expelled from the University. This action is one of involuntary separation from the University. The relationship between the student and this University is permanently terminated. A student is not permitted on University property. There will be no refunding of tuition or fees. The assignment of grades will be in accordance with the policy established for suspensions/expulsions. The student's parents, guardians, or sponsors may be notified in writing in accordance with the policy previously cited.

## B. STUDENT GROUP SANCTIONS

Student groups held responsible for violating the Student Code of Conduct will be subject to one or more of the following penalties and the full range of sanctions conditions:

1. **Disciplinary Group Reprimand:** The group is informed in writing that the group has been found responsible of a violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior and to remind the group of its responsibility to the University community. Student groups are thus expected to reflect upon their decisions and to be mindful of how their future choices and actions may impact themselves, others, and the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action.
2. **Disciplinary Group Probation:** The group is informed in writing that it is on probation for a specified period of time. Probation is a period of review and observation during which the group must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. During this time, the group may be required to complete an educational task or service project. A student group will remain on Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later. Conditions that restrict privileges may also be imposed. If, during this time, the group becomes involved in additional violations of University regulations, further disciplinary action will be taken.
3. **Interim Disciplinary Group Suspension:** The Assistant Dean or designee may impose an interim suspension upon any student group whose presence constitutes a threat to the health, safety, and welfare of its members or others, or the welfare of the University, its property, or personnel. In such cases an administrative hearing will be scheduled within fifteen (15) University days unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date.
4. **Interim Group Action:** The Assistant Dean or designee may impose a loss of privileges upon any student group.
5. **FINAL Disciplinary Group Probation:** The group has a pending disciplinary suspension based on any additional violations of the WCU Student Code of Conduct. A final probation status means that ANY violation of the West Chester University Student Code of Conduct by the group, during this time, will result in the group's immediate suspension from West Chester University. A student group will remain on Final Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later.
6. **Disciplinary Group Suspension:** The group is prohibited from conducting any and all group activity on- or off-campus. All events should be canceled immediately and not resume until stated date. This includes, but is not limited to, meetings, recruitment, fundraising, educational programs, and socials. During the period of suspension, if the group is found operating without permission from the Office of Student Conduct, they would be subject to additional allegations of violations of the Student Code of Conduct. For reinstatement, within 30 days of the conclusion of the suspension period, a designated group leader will need to make an appointment with the Office of Student Conduct to arrange for the removal of the university ban and hold on the group's status. A student group who fails to or submit sanction conditions as directed during this period will be subject to a separate charge for failure to comply and a new sanction that may include Group Disestablishment.
7. **Disciplinary Group Disestablishment:** The group loses formal university recognition and is prohibited from conducting any and all group activity on or off campus for a specified

period of time. All events must be canceled immediately. Should the group wish to return to campus after the sanctioned date, they must meet all current group establishment procedures published by the appropriate university office upon application for reestablishment.

C. Range of Protective Measures Available to a Victim Alleging Misconduct; The following are measures that are offered to the victim:

- housing reassignment to ensure that victim/complainant and accused are not in close proximity;
- limitations on contact between parties (referred to as a “No Contact Directive”);
- an escort to ensure the victim’s safety;
- reassignment of classes to ensure that the victim and accused are not attending the same class,
- counseling services;
- medical services;
- academic support such as tutoring;
- to withdraw from a class without penalty;
- adjustments to on-campus transportation, parking, or work; and
- other remedies and/or measures not listed can be considered to ensure the safety of all involved parties in the case and the campus community.

All hearings are closed proceedings, meaning that they are not open to the public. However, the victim and the accused have the right to have a support person accompany them. Support persons are not permitted to participate in the hearing process. In addition to a **support person**, both the victim and accused have the right to be assisted at the hearing by **one advisor**, who may be an attorney. The advisor is not permitted to actively participate in the proceedings, and may only consult and interact privately with the student.

For sexual misconduct cases both parties are able to request the following:

- By prior request, a screen may be used to separate the victim and the accused.
- The accused, victim, and the Conduct Board all have the right to conduct reasonable questioning.
- All questions between the victim and the accused will be submitted in writing to the Chairperson who will then relay the question to the appropriate party.

The Conduct Board Chairperson is responsible for maintaining order and room decorum. The chairperson has the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The Conduct Board has the power to direct the time of entrance and exit of witnesses for all parties in the hearing. The Conduct Board has the right to determine the date, time, location, and length of a hearing. All hearings will be recorded. Maintenance of a written or audiotape record of the hearing will be done at the University’s expense, but students may be required to pay the cost of copies of requested records. Sensitive or confidential information will be taken out prior to the release of the record.

Reporting for incidents involving employees

1. How to File a Disciplinary Complaint Under this Policy for employees;



A victim initiates disciplinary action by filing a complaint with the Office of Diversity, Equity and Inclusion. The policy that explains this may be accessed at

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualMisconduct/default.aspx>

The first page of the policy reads:

*West Chester University strongly encourages prompt reporting of sexual offenses to the police but recognizes that people who experience sexual misconduct have the right to decide whether to file a criminal report with the police, a complaint with the University, an anonymous report, or no report at all.*

- *Anyone can file a report whether they are a victim, witness, or concerned third party.*
- *Victims have the option to file both a criminal report with the police and a report with the University ([www.wcupa.edu/sexualmisconductreport](http://www.wcupa.edu/sexualmisconductreport)).*
- *Filing a report does not mean that you have to be involved in a police investigation or talk to the accused.*
- *A victim has the right to request a victim advocate to go with them when filing a report with the police or with the University. Call the Crime Victims' Center of Chester County to request a victim advocate (610-692-7273).*
- *The intentional filing of a false report will not be tolerated. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal laws and civil defamation laws.*

The link in the second bullet leads directly to our online reporting form.

Also, upon reaching the Office for Diversity, Equity and Inclusion homepage, there is a red button that reads "Report an Incident." It leads to the following website,

<https://www.wcupa.edu/admin/diversityEquityInclusion/reportIncident.aspx>, where all types of misconduct, including sexual misconduct, can be reported. Clicking on the type of misconduct will direct the reporter to an online form. Once the form is submitted, it is assessed by the Office for Diversity, Equity and Inclusion, who will reach out to the Complainant.

Additionally, on our sexual misconduct page, there is a large button that reads "I want to report" which also leads to the online reporting form.

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualMisconduct/wantToReport.aspx>

The policy regarding all employees and sexual misconduct can be found at

<https://www.wcupa.edu/admin/diversityEquityInclusion/sexualHarassment.aspx>

Hard copies are also available at the Office for Diversity, Equity and Inclusion. The policy reads:

In order to process either an informal or formal complaint of sexual harassment, the individual, accompanied by an advocate if they wish, must process the complaint through the University's Title IX Coordinator/Director for Equity and Compliance. The complainant will provide a written statement to the Title IX Coordinator/Director for Equity and Compliance with sufficient factual information to permit the director to make an initial determination if the University policy on sexual harassment may have been violated.

Complaints should be filed 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.

Supervisors of faculty and staff have the further responsibility of preventing and eliminating sexual harassment within the areas of their authority. If supervisors have information about alleged acts of sexual harassment by someone whom they supervise, they must take immediate steps to ensure the matter is addressed and brought to the attention of the Title IX Coordinator/Director for Equity and Compliance. Failure by supervisors to report the alleged

acts of sexual harassment may result in disciplinary proceedings. If a manager addresses an issue with an employee which may reference sexually harassing behavior, a representative of the Office for Diversity, Equity and Inclusion is to be involved in the process. Faculty members and staff employees are required to inform the Title IX Coordinator/Director for Equity and Compliance whenever they become aware of behavior they believe to be sexual harassment.

#### Filing a Complaint with External Organizations:

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

PA Human Relations Commission (215) 560-2496 180 days  
U.S. Dept. of Education, Office for Civil Rights (215) 656-8541 180 days  
Equal Employment Opportunity Commission (215) 440-2600 300 days

## 2. How the University Determines Whether This Policy will be Used

The policy reads:

The Title IX Coordinator/Director for Equity and Compliance will be responsible for initially determining if the complaint may represent a violation of the University's sexual harassment policy. If the Title IX Coordinator/ Director for Equity and Compliance determines that the complaint does not violate the University's Sexual Harassment Policy, the individual filing the complaint will be so advised and the on-campus case will be closed. If there is a disagreement with this decision, the individual filing the complaint may ask that the decision be reviewed by the Review Panel. The Title IX Coordinator/Director for Equity and Compliance does maintain the right to refer the case to other appropriate officials if it appears there may be other misconduct not construed to be sexual harassment. If the Title IX Coordinator/Director for Equity and Compliance determines that the allegation may represent a violation of the University's sexual harassment policy, the complainant may choose to process the complaint through either the informal or formal procedures.

In order to conduct a formal investigation which may result in discipline of a University employee or student, there must be first- hand information by the victim or a witness who is available and willing to be identified and interviewed by the investigator(s). It may be possible to take a third-party complaint if the victim of the alleged harassment is willing to be identified and interviewed. In determining whether a third-party complaint should be formally investigated, the following factors need to be evaluated: (1) is the person filing the complaint trustworthy so that the facts as presented are reliable; (2) does the complaint contain the name and contact information for the victim of the alleged harassment; (3) is there sufficient detail in the complaint to determine whether the allegations fall within the realm of sexual harassment; (4) has the complaint been brought forward in a timely manner.

## 3. Steps in the Disciplinary Process

The procedure for informal complaints calls for prompt review and mediation if desired, followed by action intended to prevent any harassment. Mediation will not be utilized for complaints of sexual assault. The procedure for formal complaints also results in prompt review which may

result in disciplinary action against someone who has sexually harassed another. To the extent possible, the University expects to complete the investigation within 50 business days of receiving a written complaint unless there are extenuating circumstances which may prevent the University from complying with this timeframe. If a complaint alleges sexual harassment by an employee of the Office for Diversity, Equity and Inclusion or the Office of the President, the complaint will be investigated by a party external to the University.

#### Informal Complaint Procedure:

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

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

After accepting the informal complaint, informing the accused of the allegations and the complainant's desire for mediation, and with the concurrence of the accused, the Title IX Coordinator/Director for Equity and Compliance will facilitate a resolution or appoint a mediator. The parties will be notified of the mediator's identity. Mediation occurs by mutual consent; therefore, at any stage of the mediation process either party has the opportunity to withdraw from the process.

The mediator will serve as the facilitator to seek resolution. Information regarding the circumstances and perceptions of the complainant will be shared by the mediator with the accused and the accused will have an opportunity to respond. Depending upon the circumstances of the complaint and/or the willingness of the complainant to be identified, the mediation effort could include either or both the following options:

The mediator will facilitate a discussion separately with the accused and the complainant concerning the alleged act or pattern of behaviors giving rise to the complaint in an effort to resolve the situation.

Both the accused and the complainant may voluntarily choose to attempt to resolve the situation through meetings in which both parties are present and participate. At the conclusion of the mediation, the mediator will provide written information regarding the results of the mediation to the Title IX Coordinator/Director for Equity and Compliance

A written summary of the outcome will be sent to the parties. If the complainant is not satisfied with the outcome, the complainant may choose to file a formal complaint utilizing the University's sexual harassment policy or through external agencies.

If the Title IX Coordinator/Director for Equity and Compliance makes a determination that there is a need for a formal investigation, the formal process may be initiated on behalf of the University.

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

#### Formal Complaint Procedure:

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

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

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

The fact finder will submit a report of their findings to the Title IX Coordinator/Director for Equity and Compliance. The Office for Diversity, Equity and Inclusion will then convene the Review Panel. This Panel, consisting of three individuals selected by the Title IX Coordinator/Director for Equity and Compliance from the pool of specifically trained and impartial faculty or staff, will serve as consultants to the Title IX Coordinator/Director for Equity and Compliance in formulating an opinion as to whether reasonable cause exists to believe that a violation of the University's Sexual Harassment Policy has occurred. In consultation with the Review Panel, the Title IX Coordinator/Director for Equity and Compliance will formulate an opinion on whether there has been a violation of the University's policy on sexual harassment.

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

If it is the opinion of the Title IX Coordinator/Director for Equity and Compliance that there is reasonable cause to believe that the University's policy on sexual harassment has been violated, the Title IX Coordinator/Director for Equity and Compliance will forward the fact finder's report, the Review Panel's recommendations and the Title IX Coordinator/Equity and Compliance director's opinion to the appropriate manager. Copies of these documents also will be provided to the accused.

4. Anticipated Timelines; Please see above.

5. Decision-Making Process

The policy reads:

The manager will utilize the existing University pre-disciplinary conference procedures, ensuring that the accused employee has the opportunity to be represented, if so desired, by their union representative during the pre-disciplinary conference proceedings. At the pre-disciplinary conference, the accused will have an opportunity to rebut the findings of the fact finders' report, the recommendations of the review panel, and the opinion of the Title IX Coordinator/Director for Equity and Compliance. After completing the pre-disciplinary conference, the manager in consultation with the Associate Vice President for Human Resource Services and other University officials as needed, will determine if discipline is appropriate, and if appropriate, what level of discipline should be imposed. The manager is not bound by the opinion of the Title IX Coordinator/Director for Equity and Compliance and reserves the right to make their own 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 written notification of the final disposition of the complaint. If the complainant finds the resolution or disciplinary action unsatisfactory they may pursue the complaint with the appropriate external agencies.

6. Standard of Evidence

The facts will be evaluated using a preponderance of the evidence standard to determine if a violation of this policy has occurred.

7. Possible Sanctions

Possible disciplinary actions for violation of the University's sexual harassment policy include oral or written reprimand, suspension, or termination of employment.

8. Range of Protective Measures Available to a Victim Alleging Misconduct

The following are measures that are offered to the victim:

- housing reassignment to ensure that victim/complainant and accused are not in close proximity;
- limitations on contact between parties (referred to as a "No Contact Directive");
- an escort to ensure the victim's safety;
- reassignment of classes to ensure that the victim and accused are not attending the same class,
- counseling services;
- medical services;

- academic support such as tutoring;
- to withdraw from a class without penalty;
- adjustments to on-campus transportation, parking, or work; and
- other remedies and/or measures not listed can be considered to ensure the safety of all involved parties in the case and the campus community.

All hearings are closed proceedings, meaning that they are not open to the public. However, the victim and the accused have the right to have a support person accompany them. Support persons are not permitted to participate in the hearing process. In addition to a **support person**, both the victim and accused have the right to be assisted at the hearing by **one advisor**, who may be an attorney. The advisor is not permitted to actively participate in the proceedings, and may only consult and interact privately with the student.

For sexual misconduct cases both parties are able to request the following:

- By prior request, a screen may be used to separate the victim and the accused.
- The accused, victim, and the Conduct Board all have the right to conduct reasonable questioning.
- All questions between the victim and the accused will be submitted in writing to the Chairperson who will then relay the question to the appropriate party.

The Conduct Board Chairperson is responsible for maintaining order and room decorum. The chairperson has the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The Conduct Board has the power to direct the time of entrance and exit of witnesses for all parties in the hearing. The Conduct Board has the right to determine the date, time, location, and length of a hearing. All hearings will be recorded. Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. Sensitive or confidential information will be taken out prior to the release of the record.

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

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

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

### To file an anonymous report

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



Anonymous reports can be filed in a couple of ways.

Submit a Sexual Misconduct Incident Report Form (see below for more information on this form) online at; <https://www.wcupa.edu/csa/Login.aspx>

Paper copies can be downloaded from the site or by visiting any of the offices listed in the On-Campus Resources section of the policy. Submit paper copies of the form via campus or postal mail to Lynn Klingensmith, Title IX Coordinator, Office of Social Equity, 114 West Rosedale Avenue, West Chester University, West Chester, PA 19383.

The Sexual Misconduct Incident Report Form is used to collect statistical information, which must be passed along to campus law enforcement for publication in the annual Campus Security Report as required by the Jeanne Clery Act. Such information helps to provide the community with a clear picture of the extent and nature of campus crime in order to ensure greater safety. No names or other personally identifying information is used in the Campus Security Report, which can be found on the Department of Public Safety website at [www.wwcupa.edu/dps/](http://www.wwcupa.edu/dps/).

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

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

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

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

### **West Chester University Disciplinary Procedure**

Any student or employee of West Chester University can file a charge against a student or student organization for violations of the Student Code of Conduct on the basis of sexual misconduct.

Student Code of Conduct charges are entirely separate from a criminal investigation by the police, and any complainant may file a criminal complaint with police in addition to a Student Code of Conduct violation. The intentional filing of a false report will not be tolerated. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal laws and civil defamation laws.

## **Retaliation**

West Chester University prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any investigation or proceeding involving allegations of sexual misconduct or misconduct. Any retaliatory behavior should be reported immediately to the Director of Student Conduct (see Campus Resources section on page 60 of this document). Any person, including third parties, who violates this retaliation policy, will be subject to discipline, up to and including termination if they are an employee, and/or expulsion if they are a student.

## **Investigation**

Once a complainant files a sexual misconduct complaint and is informed that an investigation will be conducted, a Title IX Deputy Coordinator conducts a fact-finding investigation. The Deputy Coordinator is a West Chester University staff member who has received training from the Office of Social Equity. The Deputy Coordinator conducts a fact-finding investigation with all involved parties, including any witnesses. The investigation of a complaint will be conducted in a timely manner, and will be completed within fifty days unless there are extenuating circumstances. At the conclusion of the investigation, the Deputy Coordinator prepares a report detailing the incident and their findings. During the investigation phase, the victim may seek out remedies or protections until a formal remedy is imposed. Victims may request:

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

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

## **Overview of the Disciplinary process**

The Director of Student Conduct will contact the complainant within two business days upon receipt of the investigator's report to discuss options available for resolution of the complaint. The complainant may choose to resolve the complaint informally or through a formal process (Student

Conduct Board Hearing). Informal resolution options include, but are not limited to, "no contact directives," residence hall reassignments, and/or adjustment of class schedules. Mediation between the parties will never be used in the case of sexual misconduct. Once the informal resolution procedure is complete, all parties will receive written notification. The Title IX Coordinator will also be given notification. If the complainant is not satisfied with informal resolution, a Student Conduct Board Hearing will be scheduled within seven business days of the request for a hearing. Prior to a hearing, both the complainant and the accused will be granted similar and timely access to any information that will be used at the hearing. They will have the opportunity to review any statements that will be used during the hearing.

### **Student Conduct hearing**

The purpose of a hearing is to hear the facts and circumstances of the alleged incident and to accept all evidence offered by the complainant and the accused. In determining whether a sexual misconduct violation has occurred, the student conduct board applies a "preponderance of the evidence" standard. That is, the student conduct board must determine if the testimony and evidence presented suggests that it is "more likely than not" that sexual misconduct has occurred.

A Student Conduct Board Hearing is conducted by a West Chester University Student Conduct Board comprised of two students and one faculty or staff member who have an equal vote in the outcome of the proceeding. All Student Conduct Board Members receive specialized training in the areas of sexual misconduct, sexual assault, and sexual misconduct. Each West Chester University Student Conduct Board is pre-screened on a case by case basis to eliminate familiarity with the accused or the complainant. All hearings are closed proceedings, meaning that they are not open to the public. However, the complainant and the accused have the right to have a support person accompany him or her. Support persons are not permitted to participate in the hearing process.

In addition to a support person, both the complainant and accused have the right to be assisted at the hearing by one adviser, who may be an attorney. The adviser is not permitted to actively participate in the proceedings, and may only consult and interact privately with the student.

The Student Conduct Board Chairperson is responsible for maintaining order and room decorum. He or she has the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing.

The Student Conduct Board has the power to direct the time of entrance and exit of witnesses for all parties in the hearing. The Student Conduct Board has the right to determine the date, time, location, and length of a hearing.

All hearings will be recorded. Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. Sensitive or confidential information will be taken out prior to the release of the record.

## Hearing procedure

1. The Student Conduct Board will open the proceedings by reading the statement of charges.
2. Before presenting any testimony, each party and witness must submit to an oath where he or she swears and affirms the truth of statements to be made.
3. The complainant will then present his or her case against the accused. The presentation of a case will be done by the submission of written, physical, and testimonial evidence.
  - a. The accused and the Student Conduct Board have the right to conduct reasonable questioning of the complainant and his/her witnesses.
  - b. During the complainant's testimony, the accused may submit questions to the Student Conduct Board Chairperson, who will determine the appropriateness of questions.
  - c. By request, a screen may be used to separate the complainant and the accused.
4. At the conclusion of the complainant's presentation, the accused will present a response to the charges. This response will be done by the submission of written, physical, and testimonial evidence.
  - a. The complainant and the Student Conduct Board have the right to conduct reasonable questioning of the accused and his/her witnesses.
5. At the close of the hearing, the Student Conduct Board may allow closing statements by both the complainant and the accused, which may include rebuttal comments.

## Failure to appear

Any student or student organization who fails to appear at a scheduled student conduct hearing consents to the conducting of the student conduct hearing in their absence. The Student Conduct Board will be responsible for ensuring that each student is afforded due process during all conferences and hearings, whether or not the student is present.

## Hearing outcome

The outcome of the hearing will be based upon whether it is more likely than not that the Student Conduct Code was violated, as alleged (i.e., a "preponderance of the evidence"). All matters upon which the decision will be based must be introduced into evidence at the hearing. The Chair of the Student Conduct Board will issue a written statement of the findings of fact and reasons for the decision (referred to as a "Sanction Assessment Form") to the complainant and the accused within 30 business days after the close of the hearing.

## Sanctions

In addition to testimony and evidence presented at a conference or hearing, a Student Conduct Board may consider the following elements before rendering a sanction:

- Severity of the violation;
- Academic records and class year;

- Previous discipline record including that which is public record;
- Attitude of the accused during the conference and/or hearing.

Sanctions: Disciplinary Reprimand, Disciplinary Probation, Interim Campus Restriction, Disciplinary Suspension, Deferred Suspension, Disciplinary Expulsion, Interim Disciplinary Suspension.

## Appeals

Upon receiving a sanction from the Student Conduct Board, the complainant or the accused may appeal for the following reasons:

- Violations of judicial procedures;
- Severity of sanction is not supported by the evidence;
- Lack of substantial evidence upon which a determination of guilt can be based; and/or
- New evidence that was not previously available, and that might substantially change the nature of the case.

All appeals must be made in writing to the Director of Student Conduct within five business days from the exit date listed on the Sanction Assessment Form.

Appeal letters should explain in detail the basis of the request and include any supporting documentation. A student or student organization filing an appeal may include letters of character reference.

Upon receipt of the written appeal, the Director of Student Conduct will respond in writing within five business days of receipt of the appeal.

All sanctions will be suspended until the conclusion of the appeal process.

Cases involving the following sanctions will be sent to West Chester University's Appeals Board for review: loss of housing and/or dining privileges; suspension; and/or expulsion. All other cases will be reviewed by the Director of Student Conduct or designee to determine a final decision.

## Appeals Board

Each Appeals Board is comprised of one staff member, one faculty member, and one student. If necessary, an Appeals Board may be convened by a quorum. A quorum in this case would be a combination of at least two of the previously mentioned individuals. Each Appeals Board is selected from a pool of qualified applicants and pre-screened on a case by case basis to eliminate familiarity with either the accused or the complainant. All meetings and hearings of the Appeals Board are closed. The Appeals Board will review the written appeal and all documentation contained within the disciplinary file of the accused. The board may also review a victim's impact statement. The Appeals Board is not obligated to convene an appeals hearing. However, if it should wish to do so, the Appeals Board will follow the same procedures used for the student conduct hearing (See III.F. of the Student Code of Conduct).

By a simple majority vote, an Appeals Board can uphold the sanction, modify the sanction, or order a new hearing. All Appeals Board decisions are final and will be forwarded to the Director of Student

Conduct for immediate implementation. When it is not feasible for an Appeals Board to meet in a timely fashion (for example, during semester breaks), appeals will be reviewed by the Director of Student Conduct, whose recommendation will be forwarded to the Assistant Vice President for Student Affairs or designee for final decision.

## Presidential Appeal

The complainant or the accused may request the President of West Chester University to review the Appeals Board decision. An appeal to the President must be presented in writing to the Office of the President (Phillip's Memorial Building) within two University business days of formal notification of the Appeals Board decision.

An appeal to the President must include clear and convincing reasons to overrule the decision of the University Appeals Board. An appeal to the President should include information that supports the following reasons for the appeal:

- Violations of judicial procedures;
- Severity of sanction is not supported by the evidence;
- Lack of substantial evidence upon which a determination of guilt can be based; and/or
- New evidence that was not previously available, and that might substantially change the nature of the case.

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

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

All proceedings will be conducted in a manner that transparent to the accuser and the accused. Usually, the resolution of complaints involving Domestic Violence, Dating Violence, Sexual Assault and Stalking are completed within 60 days of the report, however the proceedings timeframe allows for extensions for good cause with notice to the accuser and the accused of the delay and the reason for the delay.

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

1. The accuser and the accused student each have the opportunity to attend a hearing before a properly trained hearing board that protects the safety of victims and promotes accountability;
2. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;



3. The institution will allow for timely and equal access to the accuser, the accused and appropriate officials to any information that will be used after the fact-finding investigation but during formal and informal disciplinary meeting and hearings;
4. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
5. The institution provides the accuser and accused the same opportunities to have others present during an institutional disciplinary proceeding. The accuser and the accused student each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused. However, the role of the advisor is limited to consulting or advising his or her Advisee at any meeting or hearing. An Advisor may not speak on behalf of the Advisee at any proceeding.
6. A decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the process asks: "is it more likely than not that the accused violated the applicable policy?"
7. The accuser and the accused will be notified simultaneously, in writing, of the result of any disciplinary proceeding; and
8. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

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

### **Confidentiality**

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

### **Additional University Initiated protective measures**

The Title IX Coordinator or their designee will determine whether interim interventions and interim and permanent protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX

Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Chester University.

### **Federal timely warning notification**

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

### **Sex offender registry**

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

## APPENDIX A

### WEST CHESTER UNIVERSITY OF PENNSYLVANIA - CLERY ACT STATISTICS

#### ARRESTS AND REFERRALS ON MAIN CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
LIQUOR LAW VIOLATIONS (ARREST)	2016	339	223	0	29
	2017	320	193	0	9
	2018	228	196	0	18
LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	198	193	0	1
	2017	259	247	19	4
	2018	205	175	0	3
DRUG LAW VIOLATIONS (ARREST)	2016	98	38	0	31
	2017	80	54	0	7
	2018	108	84	0	16
DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	175	123	0	4
	2017	129	96	1	11
	2018	131	111	0	8
WEAPONS VIOLATIONS (ARRESTS)	2016	1	1	0	0
	2017	0	0	0	0
	2018	0	0	0	0
WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	0	0	0	0
	2017	0	0	0	1
	2018	1	0	0	0

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

**Definitions & Terms for all categories – Please see Appendix E.**

## CLERY ACT - CRIMINAL REPORTING ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITES	NON-CAMPUS	PUBLIC PROPERTY
CRIMINAL HOMICIDE: MURDER & NON-NEGLIGENT MANSLAUGHTER	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
SEX OFFENSES RAPE	2016	4	3	0	0
	2017	4	3	0	0
	2018	4	4	0	0
SEX OFFENSES FONDLING	2016	0	0	0	0
	2017	0	0	0	0
	2018	3	3	2	0
SEX OFFENSES INCEST	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
SEX OFFENSES STATUTORY RAPE	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
ROBBERY	2016	0	0	0	0
	2017	0	0	0	1
	2018	2	0	0	0
AGGRAVATED ASSAULT	2016	2	1	0	0
	2017	1	0	0	0
	2018	0	0	0	0
BURGLARY	2016	4	3	0	0
	2017	2	1	0	1
	2018	2	2	0	0
MOTOR VEHICLE THEFT	2016	2	0	0	0
	2017	1	0	1	0
	2018	0	0	0	0
ARSON	2016	1	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

For 2016 Sex Offenses Fondling, a clerical error was found. There was no Public Property Incident for that year. The count has been changed from 1 to 0

This table contains crimes reported to West Chester University's Public Safety Department, campus officials, and other law enforcement agencies. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the "Clery Act." The Clery Act is a federal law that requires all post-secondary educational institutions participating in federal student financial aid programs to publicly disclose crime statistics and crime prevention/security policies for their campuses every year.

## CLERY ACT - VAWA OFFENSES ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITES	NON-CAMPUS	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2016	0	0	1	0
DATING VIOLENCE	2016	18	10	8	6
STALKING	2016	5	1	0	0
DOMESTIC VIOLENCE	2017	0	0	0	0
DATING VIOLENCE	2017	11	10	0	4
STALKING	2017	0	0	0	1
DOMESTIC VIOLENCE	2018	4	4	0	0
DATING VIOLENCE	2018	9	6	0	0
STALKING	2018	11	4	0	0

## HATE CRIME REPORTING ON MAIN CAMPUS

There were no hate crimes reported for the reporting periods of 2016, 2017, and 2018.

## UNFOUNDED REPORTS ON MAIN CAMPUS

There were no unfounded reports for the reporting periods of 2016, 2017, and 2018.

## UNIFORM CRIME REPORTS – PART I OFFENSES ON MAIN CAMPUS

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
CRIMINAL HOMICIDE: MURDER &NON-NEGLIGENT MANSLAUGHTER	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
RAPE	2016	3	15,438	1 / 4,5,146
	2017	3	15,516	1 / 5,172
	2018	1	15,661	1 / 15,661
ROBBERY	2016	0	15,438	0
	2017	0	15,516	0
	2018	2	15,661	1 / 7,831
AGGRAVATED ASSAULT	2016	1	15,438	1 / 15,438
	2017	0	15,516	0
	2018	0	15,661	0
BURGLARY	2016	5	15,438	1 / 3,088
	2017	4	15,516	1 / 3,879
	2018	2	15,661	1 / 7,831
LARCENY	2016	61	15,438	1 / 253
	2017	59	15,516	1 / 263
	2018	17	15,661	1 / 921
MOTOR VEHICLE THEFT	2016	2	15,438	1 / 7,719
	2017	1	15,516	1 / 15,516
	2018	0	15,661	0
ARSON	2016	1	15,438	1 / 15,438
	2017	0	15,516	0
	2018	0	15,661	0

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



## UNIFORM CRIME REPORTS – PART II OFFENSES ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
OTHER ASSAULTS	2016	10	15,438	1 / 1,544
	2017	32	15,516	1 / 485
	2018	39	15,661	1 / 402
FORGERY	2016	0	15,438	0
	2017	3	15,516	1 / 5,172
	2018	3	15,661	1 / 5,220
FRAUD	2015	8	15,438	1 / 1,930
	2016	12	15,516	1 / 1,293
	2018	9	15,661	1 / 1,740
EMBEZZLEMENT	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
RECEIVING STOLEN PROPERTY	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
VANDALISM	2016	41	15,438	1 / 376
	2017	26	15,516	1 / 597
	2018	9	15,661	1 / 1,740
WEAPONS OFFENSES	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
PROSTITUTION	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
SEX OFFENSES	2016	4	15,438	1 / 3,860
	2017	5	15,516	1 / 3,103
	2018	3	15,661	1 / 5,220
DRUG OFFENSES	2016	250	15,438	1 / 62
	2017	136	15,516	1 / 114
	2018	74	15,661	1 / 212
GAMBLING	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
OFFENSES AGAINST FAMILY	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
DRIVING UNDER THE INFLUENCE	2016	15	15,438	1 / 1,029
	2017	23	15,516	1 / 675
	2018	18	15,661	1 / 870
LIQUOR LAW VIOLATIONS	2016	282	15,438	1 / 55
	2017	239	15,516	1 / 65
	2018	172	15,661	1 / 91
PUBLIC DRUNKENNESS	2016	32	15,438	1 / 482
	2017	26	15,516	1 / 597



	2018	6	15,661	1 / 2,610
DISORDERLY CONDUCT	2016	16	15,438	1 / 964
	2017	11	15,516	1 / 1,411
	2018	8	15,661	1 / 1,958
VAGRANCY	2016	0	15,438	0
	2017	0	15,516	0
	2018	0	15,661	0
ALL OTHER OFFENSES	2016	66	15,438	1 / 234
	2017	39	15,516	1 / 398
	2018	9	15,661	1 / 1,740

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

## APPENDIX B

### WEST CHESTER UNIVERSITY OF PENNSYLVANIA - CLERY ACT STATISTICS

#### ARRESTS AND REFERRALS ON GRADUATE CENTER CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
LIQUOR LAW VIOLATIONS (ARREST)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
DRUG LAW VIOLATIONS (ARREST)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
WEAPONS VIOLATIONS (ARRESTS)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0

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

## Definitions & Terms for all categories – Please see Appendix E.

### CLERY ACT - CRIME REPORTING ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITES	NON-CAMPUS	PUBLIC PROPERTY
CRIMINAL HOMICIDE: MURDER & NON-NEGLIGENT MANSLAUGHTER	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES RAPE	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES FONDLING	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES INCEST	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES STATUTORY RAPE	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
ROBBERY	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
AGGRAVATED ASSAULT	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
BURGLARY	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
MOTOR VEHICLE THEFT	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
ARSON	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0

This table contains crimes reported to West Chester University's Public Safety Department, campus officials, and other law enforcement agencies. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the "Clery Act." The Clery Act is a federal law that requires all post-secondary educational institutions participating in federal student financial aid programs to publicly disclose crime statistics and crime prevention/security policies for their campuses every year.

### CLERY ACT – VAWA OFFENSES ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITES	NON-CAMPUS	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2016	0	N/A	0	0
DATING VIOLENCE	2016	0	N/A	0	0
STALKING	2016	0	N/A	0	0

DOMESTIC VIOLENCE	2017	0	N/A	0	0
DATING VIOLENCE	2017	0	N/A	0	0
STALKING	2017	0	N/A	0	0
DOMESTIC VIOLENCE	2018	0	N/A	0	0
DATING VIOLENCE	2018	0	N/A	0	0
STALKING	2018	0	N/A	0	0

### CLERY ACT – HATE CRIME REPORTING ON GRADUATE CAMPUS

There were no hate crimes reported for the reporting periods of 2016, 2017, and 2018.

### CLERY ACT – UNFOUNDED REPORTS ON GRADUATE CAMPUS

There were no unfounded reports for the reporting periods of 2016, 2017, and 2018.

### UNIFORM CRIME REPORTS – PART I OFFENSES ON GRADUATE CENTER CAMPUS

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
CRIMINAL HOMICIDE: MURDER & NON-NEGLIGENT MANSLAUGHTER	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
RAPE	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
ROBBERY	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
AGGRAVATED ASSAULT	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
BURGLARY	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
LARCENY	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
MOTOR VEHICLE THEFT	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
ARSON	2016	0	204	0
	2017	0	245	0
	2018	0	262	0

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

\*\* FTE counts for 2016 and 2017 were tabulated incorrectly. These have been corrected



## UNIFORM CRIME REPORTS – PART II OFFENSES ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT	OFFENSE RATIO
OTHER ASSAULTS	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
FORGERY	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
FRAUD	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
EMBEZZLEMENT	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
RECEIVING STOLEN PROPERTY	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
VANDALISM	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
WEAPONS OFFENSES	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
PROSTITUTION	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
SEX OFFENSES	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
DRUG OFFENSES	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
GAMBLING	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
OFFENSES AGAINST FAMILY	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
DRIVING UNDER THE INFLUENCE	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
LIQUOR LAW VIOLATIONS	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
PUBLIC DRUNKENNESS	2016	0	204	0
	2017	0	245	0

	2018	0	262	0
DISORDERLY CONDUCT	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
VAGRANCY	2016	0	204	0
	2017	0	245	0
	2018	0	262	0
ALL OTHER OFFENSES	2016	0	204	0
	2017	0	245	0
	2018	0	262	0

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

\*\* FTE counts for 2016 and 2017 were tabulated incorrectly. These have been corrected

## APPENDIX C

### WEST CHESTER UNIVERSITY OF PENNSYLVANIA - CLERY ACT STATISTICS

#### ARRESTS AND REFERRALS ON EXTON CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON CAMPUS	PUBLIC PROPERTY
LIQUOR LAW VIOLATIONS (ARREST)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
DRUG LAW VIOLATIONS (ARREST)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
WEAPONS VIOLATIONS (ARRESTS)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0

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

## Definitions & Terms for all categories – Please see Appendix E.

### CLERY ACT - CRIMINAL REPORTING ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITES	NON-CAMPUS	PUBLIC PROPERTY
CRIMINAL HOMICIDE: MURDER &NON-NEGLIGENT MANSLAUGHTER	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES RAPE	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES FONDLING	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES INCEST	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
SEX OFFENSES STATUTORY RAPE	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
ROBBERY	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
AGGRAVATED ASSAULT	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
BURGLARY	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
MOTOR VEHICLE THEFT	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0
ARSON	2016	0	N/A	0	0
	2017	0	N/A	0	0
	2018	0	N/A	0	0

This table contains crimes reported to West Chester University's Public Safety Department, campus officials, and other law enforcement agencies. These reports of crime are compiled in accordance with the provisions of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly known as the "Clery Act." The Clery Act is a federal law that requires all post-secondary educational institutions participating in federal student financial aid programs to publicly disclose crime statistics and crime prevention/security policies for their campuses every year.

### CLERY ACT - VAWA OFFENSES ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITES	NON CAMPUS	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2016	0	N/A	0	0
DATING VIOLENCE	2016	0	N/A	0	0



STALKING	2016	0	N/A	0	0
DOMESTIC VIOLENCE	2017	0	N/A	0	0
DATING VIOLENCE	2017	0	N/A	0	0
STALKING	2017	0	N/A	0	0
DOMESTIC VIOLENCE	2018	0	N/A	0	0
DATING VIOLENCE	2018	0	N/A	0	0
STALKING	2018	0	N/A	0	0

### CLERY ACT – HATE CRIME REPORTING ON EXTON CAMPUS

There were no hate crimes reported for the reporting periods of 2016, 2017, and 2018.

### CLERY ACT – UNFOUNDED REPORTS ON EXTON CAMPUS

There were no unfounded reports for the reporting periods of 2016, 2017, and 2018.

### UNIFORM CRIME REPORTS – PART I OFFENSES ON EXTON CAMPUS

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
CRIMINAL HOMICIDE: MURDER & NON-NEGLIGENT MANSLAUGHTER	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
RAPE	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
ROBBERY	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
AGGRAVATED ASSAULT	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
BURGLARY	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
LARCENY	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
MOTOR VEHICLE THEFT	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
ARSON	2016	0	88	0
	2017	0	94	0
	2018	0	54	0

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

\*\* FTE counts for 2016 and 2017 were tabulated incorrectly. These have been corrected



## UNIFORM CRIME REPORTS – PART II OFFENSES ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
OTHER ASSAULTS	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
FORGERY	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
FRAUD	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
EMBEZZLEMENT	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
RECEIVING STOLEN PROPERTY	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
VANDALISM	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
WEAPONS OFFENSES	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
PROSTITUTION	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
SEX OFFENSES	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
DRUG OFFENSES	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
GAMBLING	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
OFFENSES AGAINST FAMILY	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
DRIVING UNDER THE INFLUENCE	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
LIQUOR LAW VIOLATIONS	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
PUBLIC DRUNKENNESS	2016	0	88	0
	2017	0	94	0
	2018	0	54	0

DISORDERLY CONDUCT	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
VAGRANCY	2016	0	88	0
	2017	0	94	0
	2018	0	54	0
ALL OTHER OFFENSES	2016	0	88	0
	2017	0	94	0
	2018	0	54	0

FTE is based on fall semester student and employee population Full Time Equivalent.  
 \*\* FTE counts for 2016 and 2017 were tabulated incorrectly. These have been corrected

## APPENDIX D MASS NOTIFICATION POLICY

### West Chester University of Pennsylvania Official University Mass Communication Methods

#### Scope

This policy covers official West Chester University mass communication methods to ensure effective and efficient communication and provide accurate and timely information to the campus community and the general public for emergency notifications and timely warnings, weather-related events, important time-sensitive announcements, and non-emergency general communications.

#### Policy Statement

This policy covers all internal electronic mass communications to West Chester University faculty, staff, and students. Mass communications are those electronic messages that are sent without self-subscription or opt-out capabilities. All internal mass communications will refer only to official business or official activities of West Chester University.

West Chester University must exercise appropriate control over electronic communications in order to properly maintain network performance, limit the number of unsolicited email messages, and prevent desensitization that could inhibit the communication of critical information. **As a result, the use of the WCU All Employees email distribution list will be limited to** emergency notifications and timely warnings, weather-related events, and important time-sensitive announcements (as described below).

Note: This policy does not limit or prohibit the use of other methods of email dissemination. Communications not covered by this policy would include electronic messages from central service providers about a service they provide (e.g. WCU Information Services notifying email users that the system will be shut down for maintenance.) Also exempt from this policy are email distribution lists that are created or typically considered "opt-in," such as discussions groups, committees and project teams, etc.

The Vice President for Information Services, or his/her designee, will make any final judgment call in cases where this policy does not clearly apply or in cases when the protocol changes as the emergency situation unfolds.

Any individual who is deemed in violation of this policy may be subject to disciplinary.

## Responsibilities

- West Chester University faculty, staff, and students must activate and maintain regular access to University-provided electronic mail accounts.
- West Chester University faculty, staff, and students are responsible for accessing electronic mail to obtain official University communications.
- Failure to access the electronic mail account will not exempt individuals from associated responsibilities and liabilities.
- Departments that supervise employees or students with limited or unavailable computer resources are responsible for providing alternative notification systems for these employees and/or students.

West Chester University offers a text messaging subscription service for all faculty, staff, and students to receive notification of major emergencies and timely warnings and strongly encourages subscribing to this important service. There is no cost to register; however, some cell phone providers may apply a small cost per text message sent or received. Subscribers will receive text messages on any device that accepts text messaging (SMS) through cellular service, such as cell phones, text pagers, BlackBerrys, and some wireless PDAs. In addition, there is an option to have messages sent to a personal email address. The University offers this service to notify the campus of emergencies and/or timely warnings. In addition, there is an option to receive weather-related cancellations as well. Subscribe to receive text messages of campus emergencies and/or weather-related cancellations at <http://www.wcupa.edu/wcualert/>.

## Categories – Mass Communication

West Chester University of PA employs four categories of mass communication:

- **EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS**
- **WEATHER-RELATED ANNOUNCEMENTS**
- **IMPORTANT TIME-SENSITIVE ANNOUNCEMENTS**
- **NON-EMERGENCY – GENERAL COMMUNICATIONS**

## Category Definitions and Distribution Methods

### EMERGENCY NOTIFICATIONS AND TIMELY WARNINGS

**Emergency Notifications** are required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. An “immediate” threat as used here encompasses an imminent or impending threat such as an approaching fire, as well as a fire currently raging in a campus building.

Examples of significant emergencies when an Emergency Notification may be issued:

- Outbreak of meningitis, norovirus or other serious illness
- Approaching weather such as a tornado or hurricane
- Earthquake
- Gas leak
- Terrorist incident
- Armed intruder
- Bomb threat
- Civil Unrest
- Explosion

Emergency Notifications may be issued by some or all of the following methods of communication: emergency text messaging, email blasts, posting on the WCU homepage, recorded message on the WCU information line and external emergency notification broadcasts.

**INITIAL EMERGENCY COMMUNICATIONS WILL BE SENT IMMEDIATELY AND WILL CONVEY ONLY THE MOST CRITICAL INFORMATION. DETAILS WILL BE CARRIED ON THE UNIVERSITY’S HOMEPAGE, WHICH WILL BE UPDATED AS CIRCUMSTANCES DICTATE.**

***Secondary Communication Distribution Methods:*** In an emergency, secondary communication methods may be activated as circumstances dictate. Examples:

Communication Channels	Responsible Party
Posting to D2L and email	Information Services Division
Activate a recorded message for those using WCU voice mail functionality	Information Services Division
Activate University’s emergency public address system, sirens, and blue light stations	Public Safety Division
Request Reverse 911 telephone message via the Chester County Emergency Services system	Director of Public Safety
Request Reverse 911 telephone message via the Borough of West Chester system	Director of Public Safety
Contact selected news media (radio and TV stations) including WCU’s radio station WCUR AM 91.7	Director of Public Relations
Announcements via electronic bulletin boards in Anderson Hall, Sykes Union Building, and external kiosk at Ruby Jones Hall	Information Services Division for Anderson Hall; Sykes Union Director for the Sykes Building and Ruby Jones external kiosk

Announcements via police cruiser public address systems, bullhorns or digital sign boards	Public Safety Division
Announcements via individual building public address systems	Residence Life Staff – including The Village and University Hall
Announcement on football scoreboard/Farrell Stadium	Athletic Director
Telephone Trees or Phone Chains – many campus departments have incorporated phone chains into their procedures to notify individual personnel. In addition, person-to person or paper communication in residence halls, academic/administration buildings, including Library and food service centers, etc. In most cases, electronic communication is preferable to paper communication but paper communication may be used as the situation deems it.	Deans, Building Administrators, Assistant Building Administrators, Student Affairs Division personnel

**Post Emergency Communication:** The University will issue an “all clear” message to convey the University’s return to normal operations to all faculty, staff and students via University-assigned email accounts, the WCU homepage, and text message via e2campus subscribers. Details regarding the incident will be communicated on the University’s homepage.

**Timely warnings** must be issued for the following crimes if the crimes are reported to campus security authorities (CSA) or local police agencies; are considered by the University to represent a serious or continuing threat to students and employees; and occur in certain geographic locations as defined by the *Clergy Act*:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Forcible and non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

Timely warnings may be issued by some or all of the following methods of communication: email, text message, building postings by Building Administrators and postings on the DPS website at: <http://www.wcupa.edu/dps/>.

## **WEATHER-RELATED ANNOUNCEMENTS**

This message category is used to transmit University class delays or cancellations due to general or typical weather-related events.

However, severe weather events that may require those on campus to take shelter will be categorized as a Priority 1— Emergency Notification. Assessment and response to and recovery from emergencies will be conducted within the framework of the WCU Emergency Operations Plan.

**Communication Distribution Methods:** When storm conditions affect the operation of the University, announcements for class cancellations and/or delays are made via:

- Text message to [WCU Alert](#) subscribers
- Mass emails to faculty, staff and students (WCU-assigned email accounts)
- Posted on WCU’s homepage at <http://www.wcupa.edu>



- Recorded message on WCU’s Information Line - 610-436-1000
- Broadcast on many radio and TV stations

## **IMPORTANT TIME-SENSITIVE ANNOUNCEMENTS**

This message category involves any potential or actual incident that is local in nature, has limited impact, will not seriously affect the overall functioning of the University, and can usually be handled using University resources. Examples - unscheduled changes to campus procedures or services, service disruptions to buildings, certain construction activity, etc.

### ***Communication Distribution Methods:***

- Mass emails to faculty and staff (WCU-assigned email accounts)
- As circumstances warrant, mass emails to the student distribution list (WCU-assigned email accounts)
- As circumstances warrant, other University communication channels may be used.

## **NON-EMERGENCY - GENERAL ANNOUNCEMENTS/COMMUNICATIONS**

This message category is used for general announcements or communications of interest to the University at large.

***Distribution Methods:*** Distribution of announcements/communications will follow one of three tracks:

1. Email messages via individually-maintained or University-maintained group email distribution lists
2. Public Relations weekly event notification
3. Human Resources Homepage - News Update Section

### **(1) University-maintained group email distribution Lists**

The utilization of specific distribution lists for targeted groups is advised for non-emergency or general announcements. However, use of these distribution lists is restricted to official business or official activities of West Chester University, and as an example, cannot be used for solicitation purposes external to the University.

To avoid any confusion, email users transmitting general announcements should not use the words **Urgent, Urgent Notice, Important, or Important Notice** in the subject line of their email messages. In addition, email users should also avoid highlighting their messages with an **exclamation mark** unless the messages are very high priority.

West Chester University maintains the following group email distribution lists, which are located in the Global Address book. **These distribution lists are accessible to all employees and are the preferred method for distributing general, non-emergency announcements.**

Distribution List Name	Maintained by:
WCU Academic Department Contacts	Provost’s Office
WCU Administrative Department Contacts	Information Services
WCU All Faculty	Provost’s Office
WCU All Managers	Human Resources
WCU Chairs Distribution List	Provost’s Office
WCU Deans Council	Provost’s Office
WCU Departments Distribution List	Information Services

WCU President's Cabinet	President's Office
WCU President's Council	President's Office
WCU President's Council Support Staff	President's Office

## (2) Public Relations - Weekly News Bulletin

Every Friday, WCU's Public Relations Office issues a mass email to all faculty and staff publicizing the upcoming week's University events, both those events ***open only to the campus community*** and those events ***open to the general public***. This weekly notice replaces the numerous individual e-mails that have been sent in the past to all campus employees regarding university events and other announcements.

The *Public Events* section is used primarily to announce events that are open to WCU employees and students, as well as to the general public. Such events include, but are not limited to, theatre and music performances, athletic events and camps, gallery exhibits, seminars and colloquiums, and graduation ceremonies.

The *Campus Community Events* section will announce newsworthy items related to upcoming University programs, activities, and events for WCU faculty and staff. This section will also carry announcements and pertinent links regarding software training and "Investing in Employee Excellence" training. In addition, "Mark Your Calendar" dates and information will carry details regarding future events for planning purposes. Student-related announcements and events are publicized on the *myWCU* homepage Announcements section. Sports schedules or information, including information on post-season play-offs, will be available on the University's athletic website - [www.wcupagoldenrams.com/](http://www.wcupagoldenrams.com/)

Those wishing to submit information for the weekly Public Relations bulletin should submit the date, time, location, cost, a brief description of the event, indicate whether the event is public or a campus community only event, and include a campus extension number or university website for more information to [publicrel@wcupa.edu](mailto:publicrel@wcupa.edu). Examples of event listings can be viewed on the University's homepage titled This Week at WCU. The deadline for submitting event information is Thursday at noon. Submissions must be timed to include only information on events taking place Monday through and including Sunday of the following week. Submissions must be accurate as no additional information on University events, such as corrections, will be emailed to all faculty/staff until the following week.

Note: Individual divisions or departments can still e-mail their announcements or information to selected distribution lists, but not to the entire campus.

## (3) Human Resources webpage - News Update

This News Update section in the Human Resources webpage will be used as a repository for personnel-related announcements that in the past would have been sent using the All Employees email distribution list. Exceptions will be made for time-sensitive announcements such as employee bereavement notices or pertinent labor-relations information that will require the use of the All Employees email list.

While use of this Human Resources News Update is preferred, individual divisions or departments may still e-mail their personnel-related announcements or information to selected distribution lists, but not to the entire campus via the All Employees distribution list. To avoid any confusion, email users transmitting personnel-related announcements should not use the words **Urgent**, **Urgent Notice**, **Important**, or **Important Notice** in the subject line of their email messages. In addition, email users should also avoid highlighting their messages with an **exclamation mark** unless the messages are very high priority. Examples: Search Committee announcements/schedules, hires/appointments, retirements/resignations, employee transfers, etc. Those wishing to submit information for the posting on the Human Resources News Bulletin should contact [HumanResourceServices@wcupa.edu](mailto:HumanResourceServices@wcupa.edu).

**The use of the WCU All Employees email distribution list will be restricted to announcements categorized as emergency notifications, timely warnings, weather-related, or other important time-sensitive announcements. The All Employees email distribution should not be used for general communication.**

Exceptions: The President's Office will continue to use the All Employees email distribution list to convey messages of importance, FYI Bulletins, or other information that the President determines should reach all employees.

## Effective Date

This policy is effective January 15, 2008 and supersedes all previous All Users policies.

**Revised July 17, 2011**

## APPENDIX E CLERY DESIGNATED DEFINITIONS

### Clery designated crime definitions:

West Chester University is required to report statistics as defined by the Clery Act for the following crimes, if the crimes are reported and they occur in geographic locations as defined on page 6 of this report.

1. **Homicide: Murder/Non-Negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
2. **Homicide: Negligent Manslaughter** - The killing of another person through gross negligence.
3. **Sex Offenses** - Any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - **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 his/her age or because of his/her 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.
4. **Robbery** - The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

5. **Aggravated Assault** -An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. *(It is not necessary that the injury result from an aggravated assault when a gun, knife, or other weapon is used which would and probably would result in serious personal injury if the crime were successfully completed).*
6. **Burglary** -The unlawful entry of a structure to commit a felony or a theft.
7. **Motor Vehicle Theft** -The theft or attempted theft of a motor vehicle.
8. **Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft, or personal property of another, etc.

### Clery designated hate crime definitions:

1. **Hate Crime** -A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of Clery, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.
2. **Bias** — A preformed negative opinion or attitude toward a group of persons based on their race gender, gender identity, religion, disability, sexual orientation, ethnicity or national origin.
3. **Race (Bias)** -A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g. Asians, blacks, whites).
4. **Gender (Bias)** -A preformed negative opinion or attitudes toward a group of persons because those persons are male or female.
5. **Gender Identity (Bias)** — A preformed negative opinion or attitude toward an individual or group because of actual or perceived gender-related characteristics.
6. **Religion (Bias)** -A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g. Catholics, Jews, Protestants, atheists).
7. **Sexual Orientation (Bias)** -A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

8. **Ethnicity (Bias)** -A preformed negative opinion or attitude toward a group of persons who share common or similar traits, languages, customs, and traditions (e.g. Arabs, Hispanics).
9. **National Origin (Bias)** – A preformed negative opinion or attitude toward a group of persons who are from a particular country or part of the world.
10. **Disability (Bias)** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/ challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, injury, advanced age or illness.
11. **Larceny-theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession (position to exercise control over a thing regardless of possession) of another.
12. **Simple assault**-The attack by one person upon another without a weapon, no obvious severe or aggravated bodily injury involving broken bones, loss of teeth, internal injury, severe laceration or loss of consciousness.
13. **Intimidation** – To place a person in reasonable fear of bodily harm through use of threatening words and/or other conduct without displaying a weapon or subjecting the victim to actual physical attack.
14. **Destruction/damage/vandalism of property** – To willfully and maliciously destroy, damage, deface, or otherwise injure real or personal property without owner's consent or the person who has control or custody of it.

#### **Clery designated definitions & terms: Arrests & disciplinary referrals:**

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

imposition of a sanction.

### **Uniform Crime Reporting definitions:**

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

### **The Part I Offenses are:**

**Murder and Non-Negligent Manslaughter** - The willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:

- 1) The killing of a felon by a law enforcement officer in the line of duty; or
- 2) The killing of a felon, during the commission of a felony, by a private citizen. b.)  
Manslaughter by negligence: the killing of another person through gross negligence. Traffic fatalities are excluded.

**Rape** - The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

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

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

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

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



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

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

**The Part II offenses are:**

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

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

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

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

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

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

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

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

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

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

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

**Offenses against the family and children** - Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.

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

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

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

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

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

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

## APPENDIX F

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

#### CONSENT IS DEFINED IN PENNSYLVANIA CRIMINAL LAW AS:

##### 311. Consent.

- A. **GENERAL RULE.** The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.
- B. **CONSENT TO BODILY INJURY.** When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:
- 1) The conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
  - 2) The consent establishes a justification for the conduct under Chapter 5 of this title. (Relating to general principles of justification).
- C. **INEFFECTIVE CONSENT.** Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:
- 1) It is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
  - 2) It is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;

- 3) It is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- 4) It is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

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

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

## **SEXUAL OFFENSES**

### **SUBCHAPTER A. GENERAL PROVISIONS**

### **SUBCHAPTER B. DEFINITION OF OFFENSES**

### **SUBCHAPTER C. LOSS OF PROPERTY RIGHTS**

#### **SUBCHAPTER A - GENERAL PROVISIONS**

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

**SUBJECT TO ADDITIONAL DEFINITIONS CONTAINED IN SUBSEQUENT PROVISIONS OF THIS CHAPTER WHICH ARE APPLICABLE TO SPECIFIC PROVISIONS OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER SHALL HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE MEANINGS GIVEN TO THEM IN THIS SECTION:**

**Complainant** - An alleged victim of a crime under this chapter.

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

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

**Foreign Object** - Includes any physical object not a part of the actors body.

**Indecent Contact** - Any touching of the sexual or other intimate parts of the person for the purpose of arousing or gratifying sexual desire, in either person.

**Serious Bodily Injury** - As defined in section 2301 (relating to definitions).

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

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1984-230 (H.B. 281), PL. 1210, 1, approved Dec. 21, 1984, eff. immediately; Act 1990-4 (H.B. 1120), PL. 6, 4, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 1, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL. 1350, 1, approved Dec. 9, 2002, eff. In 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1, approved Dec. 16, 2002, eff. in 60 days.*

### **3102. Mistake as to Age**

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

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

### **3104. Evidence of Victims Sexual Conduct.**

- A. **General Rule** - Evidence of specific instances of the alleged victims past sexual conduct, opinion evidence of the alleged victims past sexual conduct, and reputation evidence of the alleged victims past sexual conduct shall not be admissible in prosecutions under this chapter except evidence of the alleged victims past sexual conduct with the defendant where consent of the alleged victim is at issue and such evidence is otherwise admissible pursuant to the rules of evidence.
- B. **Evidentiary Proceedings** - A defendant who proposes to offer evidence of the alleged victims past sexual conduct pursuant to subsection (a) shall file a written motion and offer of proof at the time of trial. If, at the time of trial, the court determines that the motion and offer of proof are sufficient on their faces, the court shall order an in camera hearing and shall make findings on the record as to the relevance and admissibility of the proposed evidence pursuant to the standards set forth in subsection (a).

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1976-53 (H.B.580), PL. 120, 1, approved May 18, 1976, eff. In 30 days.*

### **3105. Prompt Complaint.**

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

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

**3106. Testimony of Complainants.**

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

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

**3107. Resistance not required.**

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

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

**SUBCHAPTER B. DEFINITION OF OFFENSES**

- 3121 Rape.**
- 3122.1. Statutory sexual assault.**
- 3123 Involuntary deviate sexual intercourse.**
- 3124.1 Sexual assault.**
- 3124.2 Institutional sexual assault.**
- 3125 Aggravated indecent assault.**
- 3126 Indecent assault.**
- 3127 Indecent exposure.**
- 3129 Sexual intercourse with animal.**
- 3130 Conduct relating to sex offenders. [Effective until December, 20, 2012]**
- 3130 Conduct relating to sex offenders**

**3121. Rape**

A. **OFFENSE DEFINED.** A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- 1) By forcible compulsion.



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

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

- 1) a person may be sentenced to an additional term not to exceed ten years confinement and an additional amount not to exceed \$ 100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainants power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

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

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

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

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

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

**3122.1. Statutory Sexual Assault.**

**A. FELONY OF THE SECOND DEGREE.**

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

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

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

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

**3123 Involuntary Deviate Sexual Intercourse.**

**A. OFFENSE DEFINED.** A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

- 1) by forcible compulsion;
- 2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- 3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- 4) where the person has substantially impaired the complainants power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- 5) who suffers from a mental disability which renders him or her incapable of consent; or
- (6) (Deleted by amendment).
- 6) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

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

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

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

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

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

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eft. in 6 months; Act 1995 Special Session-10 (S.B. 2}, PL. 985, 6, approved Mar 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B. 976}, PL. 1350, 2, approved Dec. 9, 2002, eft. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eft. in 60 days.*

### **3124.1 Sexual Assault**

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

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

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

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

A.1 **INSTITUTIONAL SEXUAL ASSAULT OF A MINOR.** A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, state or county juvenile detention facility, other licensed residential facility serving children and youth or a mental health or a mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an

inmate, detainee, patient or resident who is under 18 years of age.

## A.2 SCHOOLS.

- 1) Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.
- 2) As used in this subsection, the following terms shall have the meanings given to them in this paragraph:
  - a. Direct contact. Care, supervision, guidance or control.
  - b. Employee. (A) Includes:
    - i. A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice-principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.
    - ii. An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

### B. The term does not include:

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

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

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

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

any State or county agency or any person employed by an entity providing contract services to the agency.

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

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

### **3125. Aggravated Indecent Assault.**

- A. **OFFENSES DEFINED.** Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:
- 1) the person does so without the 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 penetration 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 him or her incapable of consent;
  - 7) the complainant is less than 13 years of age; or
  - 8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.
- B. **AGGRAVATED INDECENT ASSAULT OF A CHILD.** A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.



### C. GRADING AND SENTENCES.

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

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1973-117 (S.B. 513), PL. 341, 1, approved Nov. 28, 1973, eff. in 60 days; Act 1990-4 (H.B. 1120), PL. 6, 5, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL. 1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.*

#### **3126. Indecent Assault.**

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

- 1) the person does so without the 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 complainants power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- 6) the complainant suffers from a mental disability which renders the complainant incapable of consent;
- 7) the complainant is less than 13 years of age; or
- 8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

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

- 1) An offense under subsection (a)(1) or (8) is a misdemeanor of the second degree.
- 2) An offense under subsection (a)(2), (3), (4), (5) or (6) is a misdemeanor of the first degree. (3) An offense under subsection (a)(7) is a misdemeanor of the first degree unless any of the following apply, in which case it is a felony of the third degree:
  - i. It is a second or subsequent offense.
  - ii. There has been a course of conduct of indecent assault by the person.
  - iii. The indecent assault was committed by touching the complainant's sexual or intimate parts with sexual or intimate parts of the person.



- iv. The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

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

### **3127. Indecent Exposure.**

- A. **OFFENSE DEFINED.** A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.
- B. **GRADING.** If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

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

### **3129. Sexual Intercourse with Animal.**

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

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

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

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

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

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

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

### **3130. Conduct Relating to Sex Offenders**

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

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

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

## **SUBCHAPTER C.**

### **LOSS OF PROPERTY RIGHTS**

#### **3141. General rule.**

[Effective until December 20, 2012]

**3142. Process and seizure.**

**3143. Custody of property.**

**3144. Disposal of property.**

**3141. General rule.**

[Effective until December 20, 2012]

A person:

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

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

**3142. Process and Seizure.**

- A. **SEIZURE.** Property subject to forfeiture under this section may be seized by law enforcement authority upon process issued by the court of common pleas having jurisdiction over the person or property
- B. **SEIZURE WITHOUT PROCESS.** Seizure without process may be made if the seizure is incident to an arrest or a search under a search warrant and there is probable cause to believe that the property was or is material to the charges for which the arrest or search warrant was issued. In seizures without process, proceedings for the issuance thereof shall be instituted immediately.
- C. **RETURN OF PROPERTY.** Property belonging to someone other than the convicted sex offender or registrant shall be returned if the offense was committed without the knowledge or consent of the owner.

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

**3143. Custody of Property.**

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

matter or the Attorney General.

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

#### **3144. Disposal of Property.**

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

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

### **DOMESTIC VIOLENCE IS DEFINED IN PENNSYLVANIA CRIMINAL STATUTES AS:**

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

- A. **GENERAL RULE.** A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term family or household member has the meaning given that term in 23 Pa.C.S. 6102 (relating to definitions).
- B. **SEIZURE OF WEAPONS.** The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.
- C. **BAIL.**
- 1) A defendant arrested pursuant to this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case shall the arresting officer release the defendant from custody rather than taking the defendant before the issuing authority.
  - 2) In determining whether to admit the defendant to bail, the issuing authority shall consider whether the defendant poses a threat of danger to the victim. If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant shall refrain from entering the residence or household of the victim and the victim's place of employment and shall refrain from committing any further criminal conduct against the victim and shall so notify the defendant thereof at the time the defendant is admitted to bail. Such condition shall expire at the time of the preliminary hearing or upon the entry or the denial of the protection of abuse order by the court, whichever occurs first. A violation of this condition may be punishable by the revocation of any form of pretrial release or the forfeiture of bail and the issuance of a bench warrant for the defendant's

arrest or remanding him to custody or a modification of the terms of the bail. The defendant shall be provided a hearing on this matter.

#### D. NOTICE OF RIGHTS.

Upon responding to a domestic violence case, the police officer shall, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. Said notice shall include the following statement: If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:

- 1) An order restraining the abuser from further acts of abuse.
- 2) An order directing the abuser to leave your household.
- 3) An order preventing the abuser from entering your residence, school, business or place of employment.
- 4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.
- 5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.

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

#### Title 23 – Domestic Relations - Definitions

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

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

- 1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- 2) Placing another in reasonable fear of imminent serious bodily injury.
- 3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
- 4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- 5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title

and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

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

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

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

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

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

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

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

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

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

**"Hearing officer."** A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to



jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

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

**"Minor."** An individual who is not an adult.

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

**"Safekeeping permit."** A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

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

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

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

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

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

### **Dating violence in defined in Pennsylvania Criminal statute as:**

No separate state statute is provided in Pennsylvania criminal law for Dating Violence. Covered under Title 23 – Domestic Relations

## Stalking is defined in Pennsylvania criminal statute as:

### PA CRIMES CODE

#### A. OFFENSE DEFINED

A person commits the crime of stalking when the person either:

- 1) Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- 2) Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

#### B. VENUE

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

#### C. GRADING

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

#### D. FALSE REPORTS.

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

#### E. APPLICATION OF SECTION

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

#### F. DEFINITIONS

As used in this section, the following words and phrases shall have the meanings given to them in this subsection: **Communicates.** To convey a message without intent of

legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission. **Course of Conduct.** A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct. **Emotional Distress.** A temporary or permanent state of mental anguish. **Family or household member.** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

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

## APPENDIX G

### ON CAMPUS PROPERTY ADDRESSES

ALLEGHENY HALL (Residential)	121 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
ANDERSON HALL	725 SOUTH CHURCH STREET WEST CHESTER BOROUGH
ALUMNI HOUSE	101 NORFOLK AVENUE WEST GOSHEN TOWNSHIP
ASPLUNDH CONCERT HALL	700 S. HIGH STREET WEST CHESTER BOROUGH
BAYLE HOUSE	703 SOUTH HIGH STREET WEST CHESTER BOROUGH
BOILER PLANT	125 UNIVERSITY AVENUE WEST CHESTER BOROUGH
BUSINESS AND PUBLIC MANAGEMENT CNT.	50 SHARPLESS STREET WEST CHESTER BOROUGH
BURRITO LOCO RESTAURANT	701 SOUTH HIGH STREET WEST CHESTER BOROUGH
BRANDYWINE HALL (Residential)	709 SOUTH NEW STREET WEST CHESTER BOROUGH
CHEMICAL STORAGE	105 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
COLLEGE ARMS APTS (Residential)	721-731 SOUTH HIGH STREET WEST CHESTER BOROUGH
COMMONWEALTH HALL (Residential)	715 S. NEW STREET WEST CHESTER BOROUGH
EAST VILLAGE APTS (Residential)	250-258 EAST CAREY DRIVE EAST BRADFORD TOWNSHIP
EHRINGER GYM	700 SOUTH CHURCH STREET WEST CHESTER BOROUGH
EHRINGER ANNEX	710 SOUTH CHURCH STREET WEST CHESTER BOROUGH
ELECTRIC SUB STATION	703 SOUTH NEW STREET WEST CHESTER BOROUGH
E.O. BULL CENTER	2 EAST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
FARRELL STADIUM	875 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
FILANO HALL	628 SOUTH HIGH STREET WEST CHESTER BOROUGH
GLEN ECHO FARM	844 SOUTH NEW STREET EAST BRADFORD TOWNSHIP
GOSHEN HALL (Residential)	125 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
GRADUATE CENTER	1160 MCDERMOTT DRIVE

	WEST GOSHEN TOWNSHIP
HEALTH CENTER	715 SOUTH NEW STREET WEST CHESTER BOROUGH
HOLLINGER FIELD HOUSE	150 UNIVERSITY AVENUE WEST CHESTER BOROUGH
KILLINGER HALL (Residential)	115 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
LAWRENCE HALL	260 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
MAIN HALL	720 SOUTH HIGH STREET WEST CHESTER BOROUGH
MATLACK STREET GARAGE	100 EAST CAMPUS DRIVE WEST GOSHEN TOWNSHIP
MCCOY HOUSE	801 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
MCCOY BARN	802 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
MCKELVIE HALL	102 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
MERION SCIENCE	720 SOUTH CHURCH STREET WEST CHESTER BOROUGH
MESSIKOMER HALL	100 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
MITCHELL HALL	675 SOUTH CHURCH STREET WEST CHESTER BOROUGH
MONTEMURO HOUSE	811 ROSLYN AVENUE WEST GOSHEN TOWNSHIP
NEW LIBRARY	25 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
WAREHOUSE	821 SOUTH MATLACK STREET WEST GOSHEN TOWNSHIP
OLD LIBRARY	775 SOUTH CHURCH STREET WEST CHESTER BOROUGH
PEOPLES BUILDING	690 SOUTH CHURCH STREET WEST CHESTER BOROUGH
PHILLIPS MEMORIAL HALL	700 SOUTH HIGH STREET WEST CHESTER BOROUGH
POETRY CENTER	823 SOUTH HIGH STREET WEST GOSHEN TOWNSHIP
RECITATION HALL	35 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
REYNOLDS HALL	650 REYNOLDS ALLEY WEST CHESTER BOROUGH
RUBY JONES HALL	50 UNIVERSITY AVENUE WEST CHESTER BOROUGH
Schmidt Hall (Residential)	225 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
Schmucker North	730 SOUTH CHURCH STREET WEST CHESTER BOROUGH
Schmucker South	750 SOUTH CHURCH STREET WEST CHESTER BOROUGH
SOMPAC	817 S. HIGH STREET WEST GOSHEN TOWNSHIP
SOUTH CAMPUS APARTMENTS (RESIDENTIAL)	833-852 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
STUDENT RECREATION CENTER	275 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
STURZEBECKER HSC	855 SOUTH NEW STREET

	WEST GOSHEN TOWNSHIP
SWOPE HOUSE	30 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
SYKES STUDENT UNION	110 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
TANGLEWOOD	100 EAST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
TYSON HALL (Residential)	225 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
UNIVERSITY HALL (Residential)	180 UNIVERSITY AVENUE WEST CHESTER BOROUGH
VILLAGE APTS (Residential)	181-193 CAREY DRIVE EAST BRADFORD TOWNSHIP
WAYNE HALL	125 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH

### Numerical Based University Property Addresses

13-15 UNIVERSITY AVENUE / WEST CHESTER BOROUGH
20 LINDEN STREET / WEST CHESTER BOROUGH
25 UNIVERSITY AVENUE / WEST CHESTER BOROUGH
114 WEST ROSEDALE AVENUE / WEST GOSHEN TOWNSHIP
210 WEST ROSEDALE AVENUE / WEST GOSHEN TOWNSHIP
220 WEST ROSEDALE AVENUE / WEST GOSHEN TOWNSHIP
624 SOUTH HIGH STREET / WEST CHESTER BOROUGH
701 SOUTH HIGH STREET / WEST CHESTER BOROUGH
809 ROSLYN AVENUE - WEST GOSHEN TOWNSHIP
887 SOUTH MATLACK STREET / WEST GOSHEN TOWNSHIP
850 SOUTH NEW STREET / EAST BRADFORD TOWNSHIP
201 CARTER DRIVE, SUITE 100 HUMAN RESOURCES / WEST GOSHEN TOWNSHIP
201 CARTER DRIVE, SUITE 200 FISCAL AFFAIRS / WEST GOSHEN TOWNSHIP
201 CARTER DRIVE, SUITE 300 FACILITIES DESIGN AND CONSTRUCTION / WEST GOSHEN TOWNSHIP
201 CARTER DRIVE, SUITE 400 DEPT. OF COMMUNICABLE DISORDERS / WEST GOSHEN TOWNSHIP
201 CARTER DRIVE, SUITE 500 FACILITIES MANAGEMENT/MAINTENANCE / WEST GOSHEN TOWNSHIP

### Parking Garage and Parking Lot Addresses

PARKING LOT "A"	25 SHARPLESS STREET WEST CHESTER BOROUGH
SHARPLESS STREET GARAGE	25 SHARPLESS STREET WEST CHESTER BOROUGH
PARKING LOT "B"	652 REYNOLDS ALLEY WEST CHESTER BOROUGH
NEW STREET GARAGE	300 WEST NIELDS STREET WEST CHESTER BOROUGH
PARKING LOT "E"	715 SOUTH NEW STREET WEST CHESTER BOROUGH
PARKING LOT "G"	615 SOUTH HIGH STREET WEST CHESTER BOROUGH
PARKING LOT "H"	155 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
PARKING LOT "K"	101 NORFOLK AVENUE WEST GOSHEN TOWNSHIP
PARKING LOT "L"	804 ROSLYN AVENUE WEST GOSHEN TOWNSHIP
PARKING LOT "M" "M1" "M2"	818 SOUTH MATLACK STREET WEST GOSHEN TOWNSHIP
MATLACK STREET GARAGE	100 EAST CAMPUS DRIVE



	WEST GOSHEN TOWNSHIP
PARKING LOT "N"	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "O"	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "P"	875 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "Q"	883 SOUTH NEW STREET EAST BRADFORD TOWNSHIP
PARKING LOT "R"	20 STADIUM ROAD WEST GOSHEN TOWNSHIP
PARKING LOT "S"	842 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "T"	802 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
STUDENT REC GARAGE	275 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
PARKING AREA "X"	100 BLOCK CAREY DRIVE EAST BRADFORD TOWNSHIP
PARKING AREA "Y"	800 BLOCK S. CAMPUS DRIVE EAST BRADFORD TOWNSHIP
EAST VILLAGE PARKING	250 CAREY DRIVE EAST BRADFORD TOWNSHIP
PARKING LOT Z	721-731 SOUTH HIGH STREET WEST CHESTER BOROUGH

#### University Owned Streets

NORTH CAMPUS DRIVE / WEST CHESTER BOROUGH
SOUTH CAMPUS DRIVE / EAST BRADFORD TOWNSHIP
EAST CAMPUS DRIVE / WEST GOSHEN TOWNSHIP
STADIUM ROAD / EAST BRADFORD TOWNSHIP
100 BLOCK UNIVERSITY AVENUE / WEST CHESTER BOROUGH

#### Public Properties

600-700 BLOCKS SOUTH HIGH STREET
50-200 BLOCKS SHARPLESS STREET
600-800 BLOCKS SOUTH NEW STREET
50-200 BLOCKS EAST ROSEDALE AVENUE
50-200 BLOCKS WEST ROSEDALE AVENUE
REYNOLDS ALLEY
SHARON ALLEY
BAYARD RUSTIN PARK
KATHY MCBRATNIE PARK

#### Non-Campus Properties

500 SOUTH WALNUT STREET / WEST CHESTER BOROUGH
503 SOUTH WALNUT STREET / WEST CHESTER BOROUGH
511 SOUTH WALNUT STREET / WEST CHESTER BOROUGH
608 SOUTH WALNUT STREET / WEST CHESTER BOROUGH
614 SOUTH WALNUT STREET / WEST CHESTER BOROUGH
709 SOUTH WALNUT STREET / WEST CHESTER BOROUGH
533 SOUTH HIGH STREET / WEST CHESTER BOROUGH
534 SOUTH HIGH STREET / WEST CHESTER BOROUGH
624 SOUTH HIGH STREET / WEST CHESTER BOROUGH
626 SOUTH HIGH STREET / WEST CHESTER BOROUGH
811 SOUTH CHURCH AVENUE / WEST GOSHEN TOWNSHIP

812 SOUTH CHURCH AVENUE / WEST GOSHEN TOWNSHIP