



**PennState**  
Wilkes-Barre

# Policies, Safety & U

2023 ANNUAL SECURITY REPORT





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### ***From the President***

Dear Penn State Community:

Penn State is committed to the safety of our community, the well-being of our community members, and to fostering a secure environment in an open, transparent manner. University Police and Public Safety is a world-class team that has consistently worked to enhance the safety of all campuses, address issues, and respond to the concerns of our community. The release of this Annual Security Report to our University community provides details of our efforts, procedures and policies. I encourage all Penn Staters to review this report, and to play an active role in the shared responsibility of fostering and maintaining a safe environment for every member of our community. The safety of our students, faculty, staff, and visitors is always Penn State's top priority, and we will continue to strive to enhance security at every level across every campus.

**Sincerely,**

*Neeli Bendapudi*  
Penn State President

### ***From the Chief of Police and Public Safety***

Penn State University Police and Public Safety (UPPS) is pleased to present the Policies, Safety, and U 2023 Annual Security and Annual Fire Safety Report, in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. As a department, we strive to be leaders in innovative campus policing and to engage others across the University and surrounding communities in our efforts to consistently provide professional service. Maintaining a safe and secure environment in which Penn State faculty, staff, students, and visitors may learn, live, and work is our utmost priority.

Thank you for taking the time to review the information provided in this report. We encourage those within our Penn State communities to utilize this publication as a guide for safe practices on and off campus, and we look forward to continued partnership as we work to carry out the important mission of maintaining and securing campus safety.

**Sincerely,**

*Wesley Sheets*  
Chief of Police and Public Safety





## Accessibility to Information and Non-Discrimination Policy

**This publication is available in alternative media on request.**

The University is committed to equal access to programs, facilities, admission, and employment for all persons. It is the policy of the University to maintain an environment free of harassment and free of discrimination against any person because of their actual or perceived age, race, color, ancestry, national origin, sex, sexual orientation, gender, gender identity, physical or mental disability, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, marital or family status, pregnancy, pregnancy-related conditions, genetic information or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the University's educational mission, and will not be tolerated. This policy shall not be construed to restrict academic freedom at the University, nor shall it be construed to restrict constitutionally protected expression.

Conduct prohibited by this policy may also violate applicable federal and state law.

Direct all inquiries regarding the nondiscrimination policy to the Office of Equal Opportunity and Access, The Pennsylvania State University:

328 Boucke Building,  
University Park,  
PA 16802-5901.  
Email: [oeoa@psu.edu](mailto:oeoa@psu.edu),  
814-863-0471

# Annual Security Report

## PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The University Police and Public Safety Department works with various Penn State departments and local law enforcement agencies to prepare and publish the annual security report to inform the Penn State community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus. This report complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and uses information maintained by the University Police, as well as information provided by other University offices such as Student Affairs, Residence Life, Office of Student Accountability & Conflict Response, and information provided by Campus Security Authorities, and local law enforcement agencies. Each of these entities provides updated policy information and/or crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on Clery reportable locations. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs. In order to ensure that the University's Annual Security Report (ASR) includes current campus policies and procedures, the ASR will be re-published as necessary to reflect changes to relevant policies and procedures that may occur following the initial publication of the ASR. For more information on Clery geography and institutional safety, visit <https://www.police.psu.edu/clery>.

By the deadline imposed by the U.S. Department of Education, the University distributes a notice of the availability of this Annual Security Report/Annual Security and Fire Safety Report to every member of the University community. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting University Police and Public Safety at 814-865-1864 or by visiting <http://www.police.psu.edu/annual-security-reports/>.

## ABOUT UNIVERSITY POLICE AND PUBLIC SAFETY

Established in 1926 as Campus Patrol, Penn State University Police and Public Safety is responsible for protecting and serving more than 100,000 of Penn State's students, employees, and visitors at 24 campus communities located throughout Pennsylvania.

In 2017, Penn State centralized University Police services by combining campus-based police stations into one, cohesive police department.

University Police and Public Safety houses University Police, a full-service police department with sworn police officers who have full arrest powers, as well as other specialized services and units, including a K-9 Unit and Community-Oriented Policing Unit. The department also houses behavioral threat management, Clery compliance, emergency management, and physical security.

## University Police Officer Qualifications, Training, and Authority

Police training required of all municipal police officers in Pennsylvania;

- Certified as an Act 120 sworn police officer of the Pennsylvania MPOETC and graduate of the MPOETC Act 120 police academy. Successful completion of mandated annual recertification of 12 hours Municipal In-service-Training and required training relative to firearms qualifications and CPR/AED recertification. All sworn officers are required to complete training and certification in less lethal weapons and defensive tactics systems. Specialty Officers are required to attend and complete training related to specialized units (K-9, Tactical Response Team, Bomb, Criminal Investigations) in addition to required MPOETC training. This is inclusive of training for officers' specific specialties that may include crime prevention, evidence technology, hazardous device technology, K-9 training, and fingerprint technology.
- Commissioned under the Administrative Code of 1929 and the Municipal Police Officers Education and Training Commission (MPOETC). MPOETC is the governing body for all Commonwealth police officers in which sworn police officers in the Commonwealth are authorized to carry firearms and empowered to make lawful arrests. All criminal incidents reported within its jurisdiction are investigated by the appropriate police department. All criminal incidents that occur or are reported on Penn State University campuses or University property shall be investigated by University Police.

Penn State University Police and Public Safety Department is currently seeking Tier 1 accreditation via the Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA).

University Police and Public Safety Mission Statement, "We serve and protect our community with respect, professionalism and accountability; while striving for excellence."

## Safety, Our Number One Priority

The safety of our Penn State faculty, staff, students, and visitors is the number one priority, not only for University Police & Public Safety, but for the entire University.



University Police & Public Safety and a myriad of other departments across all campuses work hard to develop and nurture the safest possible environment for our communities. Within University Police and Public Safety, our University Police, Emergency Management, Behavioral Threat Management, Physical Security, Community-Oriented Policing, Compliance, and other units all work together to help to achieve this mission. The University takes great pride in the communities it serves. This community is a great place to live, learn, work, and study; however, this does not mean that the campus community is immune from problems that arise in other communities. With that in mind, Penn State has taken progressive measures to create and maintain a safe environment on campus.

Though the University is progressive with its policies, programs and education, it is up to each of us to live with a sense of awareness and use reasonable judgment when living, working or visiting on campus.

**Working Relationship with Local, State, and Federal Law Enforcement Agencies**

The University Police maintains a cooperative relationship with the Lehman Township Police and Pennsylvania State Police. Non-serious criminal incidents may initially be investigated by campus officers. Assistance in investigations for serious criminal incidents may be requested from the Lehman Township Police or Pennsylvania State Police. Additionally, the Luzerne County 911 Center services the campus area. Victims of crime are encouraged to report the incident to the University Police and Public Safety, the Lehman Township Police, or the Office of Student Affairs.

The University Police and Public Safety Department does not have a formal Memorandum of Understanding, or other written agreement, with outside law enforcement agencies.

**Crimes Involving Student Organizations at Off-Campus Locations**

Penn State Wilkes-Barre relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Penn State students and recognized student organizations, on and off campus. In coordination with local law enforcement agencies, on and off campus, the University Police and Public Safety Department will actively investigate certain crimes occurring on or near campus. If the University Police and Public Safety Department learns of criminal activity involving students or student organizations, it will coordinate with the appropriate external law enforcement agency to forward information about the situation to the Office of Student Accountability & Conflict Response, as appropriate.

The University requires all recognized student organizations to abide by federal, state, and local laws, and University regulations. The Office of Student Accountability & Conflict Response or Commonwealth campus designee may become involved in the off-campus conduct of recognized

student organizations when such conduct is determined to affect a substantial University interest (as defined in the University Off-Campus Misconduct Policy at <https://studentaffairs.psu.edu/student-accountability/code-procedures/student-code-conduct#scope>).

**REPORTING CRIMES AND OTHER EMERGENCIES**

The University has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to law enforcement and to appropriate University officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire University community that you immediately and accurately report all incidents so that the University Police can investigate the situation and determine if follow-up actions are required, including issuing a Timely Warning or emergency notification.

| Official   | Campus Address  | Phone Number |
|--|---|--------------|
| University Police and Public Safety                  | Nittany Courts E-F<br>Dallas, PA 18612                          | 570-675-9111 |
| Title IX Coordinator                                 | 227 West Beaver<br>Ave. Suite 212<br>State College, PA<br>16801 | 814-867-5088 |
| Office of Student Accountability & Conflict Response | 120 Boucke Building<br>University Park, PA<br>16802             | 814-863-0342 |

**Voluntary, Confidential Reporting**

If crimes are never reported, little can be done to help prevent other members of the community from also being victimized. We encourage University community members to report crimes accurately and promptly and to participate in and support crime prevention efforts. We also encourage University community members to report crimes when the victim is unable to make the report. The University community will be much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the University or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able to file a report while maintaining your confidentiality. The purpose of a confidential report is to comply with your wish to keep your personally identifying information confidential, while taking steps to ensure your safety and the safety of others. The confidential reports allow the University to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security Report and Annual Fire Safety Report.



Photo credit to Patrick Mansell/PennState

## Reporting to University Police and Public Safety

We encourage members of the University community to report all crimes and other emergencies to the University Police and Public Safety Department in a timely manner at 570-675-9111 or by dialing 911. Although many resources are available, University Police and Public Safety strongly encourages all crimes to be reported, whether or not an investigation ensues, to assure the University can assess any and all security concerns and inform the community if there is a significant threat to the University community.

## Emergency Phones

Emergency phones are located across campus. One is outside the Athletics and Recreation Building (parking lot side); another is located outside the Center for Technology (parking lot side); one is at the main entrance to the Science Center; and is located on Hayfield House at the ADA entrance. The phones will connect directly to the University Police and Public Safety Department and can be used to report any emergency situation or call for assistance if you feel threatened.

## Anonymously

If you are interested in reporting a crime anonymously, you can use the University Police and Public Safety's online crime reporting website, which can be accessed at <http://police.psu.edu/report-crime>. University Police typically will not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety. University Police typically will not attempt to trace the origin of the person who submits this form, unless such is deemed necessary for public safety. You can also submit tips through Pennsylvania Crime Stoppers at 1-800-4-PA-TIPS via the website (<https://www.crimewatchpa.com/crimestoppers>).

## Reporting to Other Campus Security Authorities

While the University encourages all campus community members to promptly report all crimes and other

emergencies directly to the University Police and Public Safety Department at 570-675-9111, or to 911, we also recognize that some may prefer to report to other individuals or University offices.

The Clery Act recognizes certain University officials and offices as "Campus Security Authorities" (CSAs). The Act defines these individuals as "An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as a person who has the authority and the duty to take action or respond to particular issues on behalf of the institution."

While the University has identified several thousand CSAs, Penn State officially designates the following offices as places where campus community members should report crimes:

| Official   | Campus Address  | Phone Number                  |
|--|---|-------------------------------|
| Office of Ethics and Compliance                                | Rider Building, 227 West Beaver Ave, Suite 212, State College, PA 16801 | 814-867-5088                  |
| Penn State Hotline   |   | 1-800-560-1637 Available 24/7 |
| Office of Equal Opportunity and Access                         | 328 Boucke Building, University Park, PA 16802-5901                     | 814-863-0471                  |
| Penn State Human Resources Labor & Employee Relations Division | The 331 Building, University Park, PA 16802                             | 814-867-0041                  |
| Title IX Coordinator   | 227 West Beaver Ave. Suite 212 State College, PA 16801                  | 814-867-5088                  |

## Pastoral and Professional Mental Health Counselors

According to the Clery Act, pastoral and professional mental health counselors who are appropriately credentialed and hired by Penn State to serve exclusively in a counseling role are not considered CSAs. As a matter of policy (AD74), the University encourages pastoral and professional mental health counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.



## TIMELY WARNINGS

In an effort to provide timely notice to the campus community in the event of a Clery Act Crime that may pose an ongoing threat to members of the campus community, the University Police issues “Timely Warnings.” The University may issue a Timely Warning for the following: criminal homicide; aggravated assault; sexual assault; burglary; robbery; motor vehicle theft; arson; hate crimes; dating violence; domestic violence; and stalking. The University may also issue a Timely Warning for alcohol, drug, and weapon arrests or disciplinary referrals that may pose a continuing threat to the campus community. University Police may distribute these warnings through a variety of ways, including but not limited to emails, posters, web postings, and media. The University also has the ability to send text message alerts to those who register their cell phone numbers.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that may enable members of the community to take steps to protect themselves from similar incidents. The University may issue Timely Warnings on a case-by-case basis considering the following criteria: (1) one of the above listed crimes are reported; (2) the perpetrator has not been apprehended; (3) there is a substantial risk to the safety of other members of the campus community because of this crime; and (4) possible risk of compromising law enforcement effort. An institution is not required to provide a Timely Warning with respect to crimes reported to a pastoral or professional counselor. The University may also issue an alert in other circumstances, which may pose a significant threat to the campus community.

University Police and Public Safety will generally make the determination if a Timely Warning is required. In some circumstances, the determination is made in consultation with other University offices or local law enforcement agencies. For incidents involving off-campus crimes, the University may issue a Timely Warning if the crime occurred in a location used and frequented by the University population.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### *Emergency Management at Penn State University*

The Office of Emergency Management assists departments and campuses with developing, maintaining, and implementing emergency operations plans, developing and conducting exercises, hazard and risk education, and building partnerships with external response agencies. The Office of Emergency Management is responsible for assisting with and coordinating the University’s overarching emergency management program, as explained in Policy AD70, Emergency Management (<https://policy.psu.edu/policies/Ad70>).

Each campus within the University system maintains the capabilities necessary to warn and evacuate their respective location. A part of these capabilities includes the development and distribution of emergency response guidelines to students, faculty, and staff. These guidelines are maintained and distributed in a variety of ways. Some campuses post the information in hallways and classrooms. This information is available on the University Police website at <https://www.police.psu.edu/about-emergency-management>.

### *Drills, Exercises, and Training*

To ensure the campus emergency management plans remain current and actionable, the campuses conduct at least one exercise annually. These exercises include, but are not limited to seminars, drills, table-tops, functional, and full scale. The campuses conduct after-action reviews of all emergency management exercises. The Office of Emergency Management works with each campus location to develop exercise scenarios. Outreach to local, state, and federal responders and stakeholders is also conducted in order to solicit participation.

In conjunction with at least one emergency management exercise each year, the campus will notify the appropriate campus community of the exercise and remind the community of the University’s PSUALert system and emergency response procedures.

### *Emergency Notification*

The Pennsylvania State University is committed to sending its campus community timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus that poses an immediate threat to the health and safety of campus community members. Penn State will immediately notify the campus community upon confirmation of an emergency or dangerous situation. Penn State uses the emergency notification system, RAVE, to provide alerts via PSUALERT. PSUALERT is an emergency notification service available to students, faculty and staff. PSUALERT is a closed, opt-out system. PSUALERT can be used to send emergency messages within minutes of the occurrence of an incident. Penn State’s emergency communication system is multi-modal, covering various forms of media. Twitter accounts for Penn State locations are available to individuals that do not have Penn State e-mail addresses. Penn State e-mail addresses are automatically entered into the system and cannot be removed by the user. All of the campuses have access to PSUALERT for posting with the exception of the College of Medicine. The Penn State College of Medicine uses a notification system called EVERBRIDGE. Information on the EVERBRIDGE notification system is detailed in the College of Medicine’s Annual Security and Fire Safety Report.

Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System:

University Police and Public Safety and/or other Responsible University Authorities may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, Responsible University Authorities become aware of these situations when they are reported to the campus police or security department or directly to a University employee. A Responsible University Authority is defined as a Penn State employee that has the knowledge, skills, and abilities necessary to evaluate whether or not a particular event requires an emergency notification and to determine if such a notification would compromise the efforts to contain the emergency. This individual may also determine if a message should be sent to benefit the health, safety, and well-being of the campus community for situations that do not pose a significant emergency or dangerous situation.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, University Police will be made aware of the situation.

The institution 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 Responsible University Authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

#### **Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification:**

The Responsible University Authorities, in conjunction with first responders, will determine the appropriate segments to notify and the appropriate modes to use. Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The Responsible University Authorities will continually evaluate the situation and assess the need to notify additional segments of the campus population.

#### **Determining the Contents of the Emergency Notification:**

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and determine that each message contains essential information, the mass notification system contains pre-scripted templates for the most probable or highest impact emergencies. These messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template. In those cases where there are no predetermined templates in the system, the individual may use the “alert” template to craft a specific message. The

goal is to make people aware of the situation and communicate the steps to take to stay safe.

#### **Procedures Used to Notify the Campus Community:**

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an emergency. These methods of communications include the mass notification system PSUAlert, which may include SMS, e-mail, voice, RSS, Twitter, and Facebook. The University may also use verbal announcements within buildings, public address systems, fire alarms, and posting to websites as described in the Emergency Notification Annex.

#### **Procedures for Disseminating Emergency Information to the Larger Community (i.e., individuals and organizations outside the campus community):**

If the campus activates its Emergency Notification Annex in response to a situation that poses an immediate threat to members of the campus community, the appropriate offices at the campus will notify the larger community about the situation and steps the campus has taken to address the emergency. Primarily, campus communicators/news and media relations are responsible for crisis communications and for updating notices on Facebook, Twitter, and other social networking platforms and for maintaining communications with news outlets, distribution of press releases, and scheduling of press conferences.

#### **Enrolling in the University’s Mass Notification System PSUAlert:**

We encourage employees and students of the campus community to enroll in PSUAlert. All employees and students with an access account and psu.edu e-mail address automatically have their psu.edu e-mail enrolled in the system. They are encouraged to visit the PSUAlert portal at <http://psualert.psu.edu> and add phone numbers and additional e-mails. Members of the larger community are encouraged to follow us on Twitter, Facebook, or our websites.

In accordance with Clery Act Emergency Notification requirements and based on the April 2020 U.S. Department of Education guidance, the University issued emergency notifications and/or placed banners on each campus’ home page to alert the campus community of the current COVID-19 pandemic and to provide necessary health and safety precautions, and updated information.

## **SECURITY OF AND ACCESS TO PENN STATE WILKES-BARRE FACILITIES**

At Penn State Wilkes-Barre, office buildings are open from 8:00 a.m. until 5:00 p.m. and academic buildings generally are open from 7:00 a.m. until 10:00 p.m. Monday to Friday. These facilities are intended for use by students,



employees, and guests of the University. Access to an individual classrooms is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program. Only those who have demonstrated a need are issued keys to a building. Athletic Building/gym hours are: Monday to Thursday: 8:00 a.m. to 9:30 p.m., Friday: 8:00 a.m. to 8:00 p.m., Saturday: 9:00 a.m. to 5:00 p.m. and Sunday: Closed. For any additional information they can be contacted at: 570-675-9259.

### **Security Considerations for the Maintenance of Campus Facilities**

Penn State Wilkes-Barre is committed to campus safety and security. At Wilkes-Barre, locks, landscaping, and outdoor lighting are designed for safety and security. Sidewalks and building entrances are illuminated to provide well-traveled, lighted routes from parking areas to buildings and from building to building.

All campus walkways are inspected at least twice per year to ensure adequate lighting. Lighting is checked daily by safety and security during routine patrol functions. Burned out lights are replaced promptly. As needs are identified, new sidewalks are installed. New lights and walkways are developed, or as roadways are changed.

We encourage community members to promptly report any security concern, including concerns about locking mechanism, lighting, or landscaping to University Police and Public Safety at 570-675-9111.

## **PENN STATE'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

The Pennsylvania State University does not discriminate on the basis of sex in its educational programs nor tolerate sexual violence or sexual harassment, which are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether gender-based or not and include dating violence, domestic violence, and stalking. As a result, The Pennsylvania State University issues this statement of policy to inform the community of our 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 how these events are reported to a University official. In this context, The Pennsylvania State University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking, and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the University community.

## **Our Commitment to Addressing Sexual Assault/Rape, Domestic Violence, Dating Violence, and Stalking**

The University does not tolerate sexual misconduct or abuse, such as sexual assault, rape, or any other forms of nonconsensual sexual activity. Sexual misconduct in any form violates the Student Code of Conduct, University policies ([AD85](#) and [AD91](#)), and may violate federal and state laws. Violations are subject to disciplinary sanctions through the Office of Student Accountability & Conflict Response and/or those outlined in applicable University policies (please refer to Policy [AD85](#) Title IX Sexual Harassment and Policy [AD91](#) Discrimination and Harassment and Related Inappropriate Conduct). Penn State's Office of Sexual Misconduct Reporting and Response website is also intended to provide assistance in obtaining information and identifying resources for anyone who becomes aware of or have experienced sexual harassment and assault at <http://titleix.psu.edu/>.

- A Victim Resource Officer (VRO) is available to all victims of crimes. The VRO will provide support and guidance to victims and enable them to receive advocacy, information, and assistance both judicially and academically.
- On-campus, confidential counseling services are available to students through Counseling and Psychological Services (CAPS) and the Gender Equity Center.
- "Trauma Drop" is a special procedure that may enable a victim of sexual assault, dating violence, domestic violence, stalking, or other life traumas to retroactively withdraw from a semester.
- The University may assist victims with student financial aid assistance and/or visa/immigration assistance if requested and to the extent they are reasonably available.
- Penn State Safe & Aware is an online module about alcohol and sexual misconduct. The sexual misconduct section in the module educates students about relationship violence, sexual assault, stalking, and sexual harassment. All incoming first-year students who are 21 and under are required to complete the alcohol and sexual misconduct content in the module. All incoming first-year students, regardless of age, are required to complete the sexual misconduct content.
- All new employees are required to complete the "Understanding Title IX at Penn State" online training module. The training module has been designed to ensure that all Penn State employees, graduate assistants, and those with graduate fellowships understand the applicable laws and University policies related to issues of sexual and/or gender-based harassment and misconduct, are cognizant of their responsibilities to report such incidents to the University's Title IX Coordinator, and are aware of how to make a report, if the need should arise.

## What is Consent?

Pennsylvania does not define consent in reference to sexual activity. The University defines consent as follows: Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be informed, freely given and mutual. If intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation due to alcohol or drug consumption, or being asleep or unconscious, where the respondent knew or reasonably should have known that the person was incapacitated. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

## Defining Sexual Assault/Rape, Domestic Violence, Dating Violence, and Stalking

**Sexual Assault:** Under Pennsylvania law, sexual assault occurs when a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

The Clery Act defines Sexual Assault as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes Rape, Fondling, Incest, and Statutory Rape as defined by the Clery Act. According to University policy [AD85](#), Sexual Assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

**Rape:** Under Pennsylvania law, rape occurs when a person engages in sexual intercourse with a complainant:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- (4) where the person has substantially impaired the complainant's power to appraise or control their conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or

- (5) who suffers from a mental disability which renders the complainant incapable of consent.

The Clery Act defines Rape 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. This offense includes the rape of both males and females. University policy [AD85](#) does not specifically define Rape. See the above definition for Sexual Assault.

**Domestic Violence:** Domestic Violence is not defined by Pennsylvania state statute. Under Pennsylvania Protection From Abuse Act, however, "abuse" is defined as 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).

The Clery Act defines Domestic Violence as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.



According to University policy [AD85](#) Domestic Violence includes felony or misdemeanor crimes of violence committed against a victim by:

- i. a current or former spouse or intimate partner of the victim;
- ii. a person with whom the victim shares a child in common;
- iii. a person who is or has cohabitated with the victim as a spouse or intimate partner;
- iv. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
- v. any other person (adult or child) against whom the victim is protected under Pennsylvania's domestic and family violence laws.

**Dating Violence:** Dating Violence is not specifically defined by Pennsylvania state statute. The Clery Act defines Dating Violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined 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. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. According to University policy [AD85](#), Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship.

**Stalking:** Under Pennsylvania law, stalking occurs when a person either:

- (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

The Clery Act and University Policy [AD85](#) define Stalking as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

## ***What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking***

After an incident of sexual assault, it is important to seek medical attention as soon as possible. In Pennsylvania, evidence may be collected even if a victim chooses not to make a report to law enforcement. It is important that victims 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, as may be necessary to the proof of criminal activity or may be helpful in obtaining a protection order, may be preserved. 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.

Any person may report any type of sex discrimination (Title IX or non-Title IX), including sexual harassment (whether or not the individual reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed below. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

### **Title IX Coordinator**

Office of Ethics and Compliance  
227 West Beaver Ave. Suite 212  
State College, PA 16801  
814-867-5088  
[titleix@psu.edu](mailto:titleix@psu.edu)

### **Title IX Campus Resource Partners**

The Title IX Coordinator may delegate responsibility for handling a report to a Title IX Campus Resource Partner, as appropriate, or may refer the matter to another office or individual in the event the matter reported falls outside of the scope of Policy [AD85](#).

### **Matters Involving Student Respondents**

Office of Sexual Misconduct Reporting and Response  
222 Boucke Building, University Park, PA 16802  
814-867-0099

### **Matters Involving Employees (faculty and staff) or Third-Party Respondents**

Office of Equal Opportunity and Access  
328 Boucke Building, University Park, PA 16802-5901  
814-863-0471

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. Whether a victim reports the crime to the police, or not, if the alleged offender is a

member of the University community, the victim has a right to proceed to seek University discipline against the offender as explained in more detail in University Policies [AD85](#) and [AD91](#) and in the section of this Annual Security Report entitled, “University Procedures for Responding to Reports of Sexual Assault, Domestic Violence, Dating Violence, and Stalking.”

If you are in immediate danger, or if you believe there could be an ongoing threat to you or the community, please call 911. For conduct that could also constitute a crime under Pennsylvania law, a Complainant is encouraged—but not required—to contact the police by dialing 911 or the local police agency in the jurisdiction in which the alleged incident occurred.

To criminally report an incident involving a sexual assault, domestic violence, stalking, and dating violence, contact the Penn State University Police and Public Safety Department at 814-863-1111 or <http://police.psu.edu/report-crime> and/or local law enforcement. The University will assist any victim with notifying local police if they so desire, including assisting a victim with making a police report. Making a police report can involve calling or visiting the local police agency to initiate a report. A victim of domestic violence, dating violence, sexual assault or stalking who proceeds through the criminal process has the following rights, which, upon request, will be provided to a reporting student or employee in writing, regardless of where the crime occurred:

- To receive information concerning available services for victims;
- To be notified of certain significant actions and proceedings pertaining to your case;
- To be accompanied at all public criminal proceeding by a victim advocate, family member or another person;
- In cases involving personal injury crimes, burglary, and crimes relating to driving under the influence which involved bodily injury, the victim may offer prior comment on the potential reduction or dropping of any charge or changing of a plea;
- To offer prior comment on the sentencing of a defendant to include the submission of a written and/or oral victim impact statement;
- To be restored, to the extent possible, to the pre-crime economic status through restitution, compensation, and the return of property;
- Where applicable, to obtain an order of protection, no contact order, restraining order, or other similar lawful order issued by a criminal, civil or tribal court, or a no contact directive from the University. The University will, when appropriate, issue a no contact directive. To request a University-issued no contact directive, individuals may contact the Office of Sexual Misconduct Reporting and Response, (814-867-0099 or [titleix@psu.edu](mailto:titleix@psu.edu)) or the Office of Student Accountability & Conflict Response, 120 Boucke Building University Park, PA 16802 (814-863-0342);
- If personal injury results from the incident, and the offender is sentenced to a state correctional facility, the victim has the opportunity to provide prior comment on and to receive state post sentencing release decisions

(work release, parole, pardon, or community treatment center placement) and to be provided immediate notice of escape of the offender;

- If personal injury occurs from the incident and the offender is sentenced to a local correctional facility, the victim has the right to receive notice of release of the offender (including work release, furlough, parole, community treatment center placement) and to be provided with immediate notice of the escape of the offender;
- Where the offender is subject to a PFA order and is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, the victim has the right to receive immediate notice of the release of the offender on bail;
- When an offender is committed to a mental health facility from a state correctional institution, the victim has the right to notice of the discharge, transfer, or escape of the offender from the mental health facility; and
- The victim has the right to have assistance in the preparation of, submission of and follow-up on financial assistance claims to the Crime Victim's Compensation Program.

Moreover, 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 may be offered changes to academic, living, transportation, or working situations or supportive measures in addition to counseling, health services, and assistance in notifying appropriate local law enforcement, which, where appropriate and requested and to the extent permissible by law, will be kept confidential. All options for accommodations and supportive measures will be provided to the complainant in writing upon request. The University will make available accommodations or provide supportive measures regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.

Questions regarding Penn State's revised [Title IX Policy \(AD85\)](#) and/or the procedures for addressing non-Title IX sexual misconduct should be directed to the University's Title IX Coordinator:

Title IX Coordinator  
Office of Ethics and Compliance  
227 West Beaver Ave. Suite 212  
State College, PA 16801  
814-867-5088  
[titleix@psu.edu](mailto:titleix@psu.edu)

Concerns about conduct by an employee, third party or student at any Commonwealth Campus or other University location should follow the reporting procedures set forth above and on the University's Office of Sexual Misconduct



Reporting and Response website (<https://titleix.psu.edu/filing-a-report/>).

Upon making a report to the University that you are the victim of domestic violence, dating violence, sexual assault, or stalking whether the offense occurred on or off campus, the University will provide you with a written explanation of your rights and options. If you or someone you know is the victim of a sexual assault, domestic violence, dating violence, and/or stalking, the victim has several rights, including:

- The right to report the incident to the University Police or local authorities. The University will assist victims in notifying either the University or local police. Filing a police report does not mean the victim must pursue criminal charges. The victim maintains their rights throughout the process.
- The right to receive written information about existing counseling, health, mental health, victim advocacy, legal assistance, visa/immigration assistance and student financial aid, and other services available to victims, both within the institution and in the community.
- The right to receive written notification about options for available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.
- In addition to the campus services listed below, several community service organizations can provide counseling, mental health, and other related services to sexual assault victims.
- Resources and contact information can be found on the Office of Sexual Misconduct Reporting and Response website at <https://universityethics.psu.edu/our-expertise/title-ix> and the Office of Equal Opportunity and Access website at <https://equalopportunity.psu.edu/>.

#### Resources:

- Office of Sexual Misconduct Reporting and Response – response to reports of sexual harassment and sexual misconduct, coordination of resources and support services, education and training.  
<http://titleix.psu.edu>
- Gender Equity Center – confidential advocacy, crisis intervention/support, academic accommodation, referrals, and education  
<http://studentaffairs.psu.edu/genderequity>
- Office of Equal Opportunity and Access  
<https://equalopportunity.psu.edu/>
- University Health Services – confidential medical services  
<https://studentaffairs.psu.edu/health>
- Residence Life – support, residence hall accommodation, and referrals  
<http://studentaffairs.psu.edu/reslife/>
- Counseling and Psychological Services – confidential counseling, support, and referrals  
<http://studentaffairs.psu.edu/counseling>

- Office of Student Accountability & Conflict Response – support, referrals, and resolution of complaints  
<http://studentaffairs.psu.edu/conduct>
- University Police and Public Safety – safety, support, and referrals  
<https://www.police.psu.edu/>
- Employee Assistance Program – counseling for faculty/staff  
<https://www.magellanassist.com/default.aspx>
- Victim Witness Advocate – court accompaniment
- Penn State Human Resources –  
<https://hr.psu.edu/>
- Pennsylvania Coalition Against Rape – 24-hour hotline (1-888-772-7227)  
<https://www.pcar.org/>
- Pennsylvania Coalition Against Domestic Violence – 24-hour hotline (1-800-799-7233)  
<https://www.pcadv.org/>

If a victim of an alleged sexual assault or relationship violence incident requests a change in her or his living arrangements or academic schedule, the Title IX Coordinator and other offices at the University are obligated to assist the individual with making these changes, as long as they are reasonably available. Furthermore, the University may assist victims with student financial aid assistance and/or visa/immigration assistance if requested and to the extent they are reasonably available.

Report your experience to the University. As detailed above, the University can provide a wide variety of resources, support services, and procedural options to individuals who may have been a victim of sexual violence. Among other things, a survivor may be provided housing options, academic accommodations, as well as counseling and/or advocacy support.

### ***University Procedures for Responding to Reports of Sexual Assault, Domestic Violence, Dating Violence, and Stalking***

Effective August 14, 2020, the University implemented new procedures under Penn State Policy [AD85](#) for resolution of reports against students, faculty and staff for sexual misconduct, pursuant to new Title IX regulations. These procedures apply equally to students, faculty, staff members and other individuals participating or seeking to participate in a University education program or activity within the United States. In addition, other University policies and procedures have been revised to address conduct that falls outside of the Title IX jurisdictional requirements (non-Title IX sexual misconduct). Please see University Policy [AD91](#) (Discrimination and Harassment and Related Inappropriate Conduct) for further information.

Below is a chart describing the different policies which apply depending on the type of misconduct:

| Policy                     | Applicable To  |
|----------------------------|--|
| <u>Title IX Policy</u>     | <p>The Title IX Policy addresses reports of sexual harassment, sexual assault, dating violence, domestic violence, and stalking incidents that occurred on campus or at a University owned or controlled location or program within the United States.</p> <p>Penn State's Title IX Policy is under <a href="#">AD85</a>. <a href="#">AD85</a> defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p>   |
| <u>Non-Title IX Policy</u> | <p>AD 91 addresses all other reports of sexual misconduct that are not addressed under the Title IX Policy. Prohibited conduct includes off-campus sexual harassment, sexual assault, dating violence, and domestic violence, as well as gender-based harassment and sexual exploitation. If the Complainant, or the victim/survivor, is not participating in a Penn State educational activity, <a href="#">AD91</a> also applies. <a href="#">AD91</a> defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p> <p>Penn State's Non-Title IX Policy is under <a href="#">AD91</a>. <a href="#">AD91</a> defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p> |

Regardless of the type of prohibited conduct or respondent type (student or employee), disciplinary proceedings will provide a prompt, fair and impartial investigation and resolution, and be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. Both the accuser and the accused shall be simultaneously informed, in writing, of the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; of any change to the results that occurs prior to the time that such results become final; and when such results become final.

The following measures are available for any Complainants and Respondents following any type of procedure described in this section (Title IX, Sexual Misconduct, or OEOA procedures):

### Supportive and Interim Measures

Throughout the processes and procedures, the Complainant(s) and Respondent(s) shall be offered appropriate Supportive Measures and protection from retaliation. In the case of OEOA's procedures for Non-Title IX Sexual Misconduct, these are referred to as Interim Measures. OEOA's [Discrimination and Harassment Complaint Procedures](#).

The Complainant(s) shall also be informed by the Title IX Coordinator or their designee about how to make a Formal Complaint to the University under Title IX, and/or a criminal

report, and how to file a complaint with the appropriate state or federal agency.

Supportive Measures are non-disciplinary non-punitive, individualized services offered as appropriate as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or to deter Prohibited Conduct. Upon notice that any person has allegedly experienced actions that could constitute Title IX Prohibited Conduct, the Title IX Coordinator or their designee will respond promptly by offering Supportive Measures and an explanation of the Complainant's option to file a Formal Complaint that will initiate a formal investigation.

The party is not required to file a Formal Complaint to receive Supportive Measures. The provision of Supportive Measures will not be conditioned on the Complainant's participation in any formal investigation, whether the investigation is initiated by a Formal Complaint made by the Complainant or by the Title IX Coordinator. Additionally, the Complainant may report the alleged conduct solely for the purposes of receiving Supportive Measures and may choose to file a Formal Complaint at a later date, if at all.

Supportive Measures are not designed or permitted to be punitive or disciplinary measures (sanctions) imposed against a Respondent. The Respondent is presumed to be not responsible for the alleged conduct until a determination is made at the conclusion of the grievance process. Both a Complainant and a Respondent may have good-faith bases for requesting Supportive Measures. The University will consider the request of either party for Supportive

Measures and implement them where it is deemed reasonable and appropriate.

Supportive Measures may include emotional support and counseling with a confidential resource, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, no-contact directives, emergency removal and other similar measures. The University must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures.

### Emergency Removal / Individualized Safety and Risk Analysis / Administrative Leave

In rare circumstances, the University may remove a Respondent from the University's education program or activity, on an emergency basis but only after undertaking an individualized safety and risk analysis and only if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual arising from the allegations of Prohibited Conduct (including the Respondent themselves). In matters that involve student Respondents, the Senior Director, Office of Student Accountability & Conflict Response, will complete the individualized safety and risk assessment. If the Senior Director or designee reasonably believes that such a threat is posed, an interim suspension, or other interim action, may be assigned. In the case of such removal the University will provide the student Respondent with notice and an opportunity to challenge the decision immediately following the removal. [Interim Suspension procedures](#).

For matters involving employee Respondents, the Office of Equal Opportunity and Access (OEOA), in consultation with the employee's Supervisor and other relevant University officials, will undertake an individualized safety and risk analysis to determine whether the allegations indicate the Respondent poses an imminent threat to the physical health or safety of any person arising from the allegations of Prohibited Conduct. If the University determines administrative leave is appropriate, the employee Respondent will be provided with notice an opportunity to challenge the decision immediately following the removal.

The process for an emergency removal of students is described in the Interim Action section of the Penn State Student Code of Conduct. The process for administrative leave for employees will be managed consistent with HR and departmental policies.

## Procedures for Reports of Title IX Sexual Misconduct Filed Against an Employee and Reports of Title IX Sexual Misconduct Filed Against a Student

### A. Informal Report

Notice to a Title IX Coordinator or to an official with authority to institute corrective measures on the University's behalf triggers the University's response obligations.

Upon receipt of notice of an allegation of Prohibited Conduct (which may come from any individual), the Title IX Coordinator or their designee will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint and explain to the Complainant the process for filing a Formal Complaint. A Complainant's wishes with respect to whether the University investigates should be respected unless the Title IX Coordinator determines that signing a Formal Complaint over the wishes of the Complainant is not clearly unreasonable in light of the known circumstances.

### B. Formal Complaint

A Formal Complaint alleges Prohibited Conduct against a Respondent and requests that the University investigate the allegation. There is no deadline for a Complainant to file a Formal Complaint alleging Prohibited Conduct and requesting that the University invoke the formal investigatory process; however, the Complainant must be participating or attempting to participate in the University's education program or activity at the time the Formal Complaint is filed. The passage of time may impact the University's ability to gather information related to the incident.

A Formal Complaint must be signed and must include a description of the alleged Prohibited Conduct, including the name or names of persons allegedly responsible for the alleged misconduct, the time, date and location of the alleged misconduct, if known, and the names of any potential witnesses, if known. The Formal Complaint can be submitted in person, online via email or by using the University's online reporting form: <https://titleix.psu.edu/>. The signature on the Formal Complaint can be electronic (i.e., an email signature containing the first and last name of the Complainant). The signature can be on a written document submitted in person to the Title IX Coordinator. In some circumstances, it is the Title IX Coordinator who will file the Formal Complaint. Under those circumstances, the Title IX Coordinator will sign the Formal Complaint.

#### i. Initial Assessment

The Title IX Coordinator shall make an initial assessment as to whether the Formal Complaint on its face alleges an act of Prohibited Conduct and whether the Prohibited Conduct is covered by this Policy. If not, Title IX requires that the University dismiss the matter as described below. If such a determination is reached, the Complainant will receive an



explanation in writing, including information regarding the appeal process, referrals to other appropriate administrative units, University officials, or resources to assist the Complainant. A required dismissal under Title IX does not mean that the University cannot or will not review and respond to the alleged behavior under other applicable federal regulations or University policies. These include Title VII and relevant University policies such as the Student Code of Conduct and the University's Discrimination, Harassment, and Related Inappropriate Conduct Policy (Penn State Policy [AD91](#)). In those cases, the Title IX Coordinator will refer the matter to the appropriate office for management.

## **ii. Dismissal Prior to Investigation**

### **a. Mandatory**

If the initial assessment determines that the conduct alleged in the Formal Complaint would not constitute Prohibited Conduct even if true, did not occur in the University's Education Program or Activity, or did not occur against a person in the United States, then the University must dismiss the Formal Complaint with regard to that conduct for purposes of this Policy as required by Title IX.

#### **i. Written Notice of Dismissal before Investigation.**

Upon dismissal, the University shall promptly send written notice of the dismissal, rationale, and information regarding the appeal process simultaneously to the parties.

**ii. Referral** Dismissal does not preclude action under another applicable University Policy. In the event of dismissal for purposes of this Policy, the Title IX Coordinator may refer the matter to the appropriate office for consideration under another University Policy. Matters will be referred as follows:

- (1) Matters in which the Respondent is a student will be referred to the Office of Student Accountability & Conflict Response.
- (2) Matters in which the Respondent is an employee (faculty and staff) or third party will be referred to the Office of Equal Opportunity and Access.

### **b. Discretionary**

The Complainant may request a dismissal of the Formal Complaint. The Complainant must notify the Title IX Coordinator in writing that they wish to withdraw the Formal Complaint or any allegation(s) therein. Upon receipt and review of the request for dismissal, the Title IX Coordinator may dismiss the Formal Complaint. A Complainant may re-file the complaint at a later date and request a continuation of the formal investigation process or voluntarily agree to an informal resolution process.

Under certain circumstances, the Title IX Coordinator may determine that a Complainant's request for a dismissal cannot be granted because of the presence of aggravating factors. In those circumstances, the University may choose to proceed with the investigation despite the request by the Complainant(s) for a dismissal of the Formal Complaint. If such a decision is made, the Complainant(s) will be notified

in writing regarding the reason(s) for the decision. Aggravating factors include, but are not limited to:

- the nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- the respective ages and roles of the Complainant and Respondent;
- the role of drugs and/or alcohol in the incident;
- the risk posed to any individual or to the campus community by not proceeding, including the risk of additional harassment or violence;
- whether there have been other reports of misconduct or other verified misconduct by the Respondent;
- whether the report reveals a pattern of related misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- whether the University possesses other means to obtain relevant evidence;
- fairness considerations for both the Complainant and the Respondent;
- the University's obligation to provide a safe and non-discriminatory environment; and,
- any other available and relevant information.

A Formal Complaint also may be dismissed if the Respondent is no longer enrolled at or employed by the University, or if there are specific circumstances that prevent the University from gathering evidence necessary to make a determination or carry out the grievance process (for example, the identities of the people involved are not known). In all cases, the Title IX Coordinator will notify the parties in writing regarding any dismissal, including the reason(s) for the dismissal and the parties' right to appeal.

### **iii. Appeal from Dismissal**

If a Formal Complaint is dismissed, both parties will have the equal right to appeal consistent with the procedures outlined in Section XVI of this Policy.

## **VOLUNTARY INFORMAL RESOLUTION**

At any time after a Formal Complaint has been submitted, but before a final determination regarding responsibility has been made, the parties may enter a voluntary, informal resolution process. A Formal Complaint must be filed before informal resolution can be considered. An informal resolution process cannot be applied in matters where an employee is accused of sexually harassing a student. If the parties agree to participate in an informal resolution process, it is the University's responsibility to ensure that the matter is resolved within a reasonably prompt timeframe. Further, the University cannot compel a party to participate in an informal resolution process.

To participate in a voluntary informal resolution process, both parties must:

- Provide voluntary written consent acknowledging that they are willingly entering into an informal resolution process.
- Agree, in writing, that all sanctions or other conditions designed to address the behavior will be applied by the Respondent's immediate Supervisor and/or the

Associate Vice President for Equal Opportunity and Access in consultation with the Title IX Coordinator for all employee and third-party matters. For cases that involve student Respondents, the sanctions or other conditions designed to address the behavior will be applied by the Senior Director, Office of Student Accountability & Conflict Response, in consultation with the Title IX Coordinator.

- Acknowledge, in writing, that they are aware of their right to withdraw from the informal resolution process and resume the formal investigation process at any time prior to agreeing to a resolution.

The voluntary informal resolution process will be managed by the Office of Equal Opportunity and Access (OEOA) for employee and third party-related matters and by the Office of Sexual Misconduct Reporting and Response (OSMRR) for student-related matters.

### **INVESTIGATION OF FORMAL COMPLAINT**

The University must conduct an adequate, reliable, objective, and impartial investigation of all Formal Complaints. This means that the University is committed to providing both parties with appropriate and adequate notice at all phases of the process and an equal opportunity to provide information to the investigator(s) during the investigatory process and review documents gathered as part of the investigation. Each party will be provided with an equal opportunity to review and respond to such information. In all cases, the Respondent is presumed to be not responsible for the alleged conduct unless and until a determination is made of responsibility at the conclusion of the grievance process.

During the investigative process, the University investigator(s) will gather and review all relevant evidence, taking into consideration both the inculpatory (incriminating) and exculpatory (information that demonstrates no wrongdoing) aspects of that information prior to rendering a final decision. While the parties are encouraged to provide all pertinent information to the investigators, the burden of gathering evidence remains at all times on the University. Such information may include the names of potential witnesses and documentary evidence such as emails, text messages or other similar electronic communications. The information may also include, in some cases, medical, psychological, or other treatment records, provided that the party provides the investigator with written consent to consider and include the treatment records in the investigation. If the party provides the investigator with written consent, the treatment documents will become part of the evidentiary file, which both parties have the right to review.

The University will take reasonable steps to gather initial facts and evidence by providing both parties with an opportunity to meet with the investigator. The investigator may request additional interviews with a party or parties based on information gathered during the investigation. During every interview, the Complainant and Respondent will have opportunities to provide the investigator with their

recollection of the alleged incident(s), the names of witnesses and copies of documents. Providing information to the investigator, whether submitted verbally or by the submission of documents, or both, is voluntary for all parties. The University cannot compel a party or witness to answer any questions during the interview or submit documents or otherwise make any statements; however, the parties are encouraged to provide relevant information to the investigator. A party or witness's decision not to participate in the investigation, in whole or in part, will be documented in the investigative report.

The University will seek to complete the investigation and any additional necessary processes within a prompt and reasonable amount of time, typically not to exceed 120 days. This timeline is not binding and creates no rights for the parties. The University can extend deadlines at its discretion. If temporary delays occur, the Complainant and Respondent will be notified in writing regarding the reason(s) for the delay. The parties will be notified, in writing, when the investigation resumes, if there was a temporary pause.

The University may, in its discretion, consolidate Formal Complaints where the allegations arise out of the same facts. The University will investigate the allegations in any Formal Complaint not subject to dismissal. The Title IX Coordinator will designate an individual (who will not be the Title IX Coordinator) to conduct an investigation of a Formal Complaint, when a decision is made not to dismiss such complaint and when informal resolution is not appropriate or both parties do not give voluntary, informed, written consent to informal resolution in accordance with the processes below. The burden of gathering evidence and the burden of proof is on the University.

Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be, an attorney. An Advisor should not be selected with the actual or effective purpose of disrupting or attempting to disrupt the Title IX grievance process, or of causing emotional distress to any party. Parties may consult with their Advisors quietly or in writing during any meetings, but the Advisor may not speak on behalf of the advisee or directly participate otherwise in the proceedings, other than at the Title IX hearing. Delays in the conduct process will not normally be allowed due to scheduling conflicts with Advisors.

### **A. Investigation Process**

#### **i. Notice of Allegations and Investigation**

Both parties will simultaneously receive written notification of the allegations and notice that the University has initiated a formal investigation. The "Notice of Allegations and Investigation" will include:

1. A reasonably detailed description of the alleged behavior including the names of relevant parties, description of the alleged offending behavior(s) and the date, time, and locations of the incident(s), if known. It will also include a statement that the Respondent is presumed not responsible for the alleged conduct and

that a determination regarding responsibility is made at the conclusion of the grievance process.

2. A statement regarding the standard of evidence to be used in considering the facts and evidence. A “preponderance” standard means that it is more likely than not, based upon the totality of all relevant evidence and reasonable inferences from the evidence, that the Respondent engaged in the Prohibited Conduct.
3. A statement apprising the party of their opportunity to present relevant facts and witnesses. In all formal investigations, both parties will have an equal opportunity to present information to the investigator, including the names of witnesses and other relevant information.
4. A description of the University’s investigative procedures and a list of the parties’ rights, including the right to inspect and review all evidence obtained by the investigator(s) (including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility), and the right for each party to have an Advisor of their choice present at any grievance proceeding or any related meeting.
5. The range of possible sanctions and remedies.
6. The bases for appeal and procedures associated with the appeal process.
7. Information regarding Supportive Measures available to both Complainants and Respondents.
8. A statement regarding the University Policy prohibiting Retaliation (See Penn State Policy [AD67](#)).
9. A statement regarding the University’s requirement for all parties that they will not make false statements or knowingly submit false information as prohibited by University rules and regulations.

Within five days of receipt of the Notice of Allegations and Investigation, both parties shall provide the Title IX Coordinator written notice of their Advisor’s name and contact information.

## **ii. Amended Notice**

If, during the course of the investigation, the University acquires information previously unknown or unavailable to the investigator at the time of the original notice (e.g. names of previously unknown relevant parties, dates of incident(s), the times or locations of incident(s), or additional allegations of misconduct involving the Respondent), the University will revise the Notice of Allegations and Investigation to include this information and simultaneously provide the parties with an amended copy of the notice.

If the University acquires information that suggests that additional Title IX Prohibited Conduct may have occurred, in addition to the alleged Title IX Prohibited Conduct raised in the initial complaint, the University may investigate the additional allegations concurrently with the initial allegation. All parties will be provided with a reasonable amount of time to respond to the new allegations, including the right to present relevant information to the investigator.

## **iii. Preliminary Investigative Report**

At the conclusion of the initial investigation, the investigator will draft a preliminary report that includes all the evidence gathered, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and all inculpatory and exculpatory evidence, and all evidence obtained as a part of the investigation that is directly related to the allegations in the formal complaint. The investigator will send the preliminary investigative report to the Title IX Coordinator for review within five (5) days of receipt. The investigator will send the preliminary investigative report to each party and their Advisors in an electronic format other than email, such as a secure file-sharing platform of the University’s choosing, with at least ten (10) days for the parties to submit a written response. The parties and their Advisors will not be permitted to download, copy, photograph or take other measures designed to retain copies of the preliminary investigation report.

At the conclusion of the review period, the University will remove the parties’ electronic access to the preliminary investigative report. If the University is unable to provide the parties access to the materials due to extraordinary and unforeseen circumstances, the investigator will provide the parties with a hard copy of the evidence in person or, if the distance between the parties and the investigator prohibits such delivery, a copy will be sent to the parties using registered mail requiring the recipient’s signature. Parties who receive a hard copy of the preliminary investigative report by registered mail will be required to return the copy to the investigator at the conclusion of the review period by using registered mail requiring a signature by the recipient. The investigator will consider the parties’ responses to the preliminary investigative report and, if warranted, shall conduct additional investigation based thereon. The parties recognize that such additional information may cause the timelines for the completion of the investigation and grievance process to be extended.

## **iv. Final Investigative Report**

The investigator, after reviewing and considering the parties’ responses to the preliminary Investigative report and conducting any additional investigation needed, will complete a final Investigative report that fairly summarizes the relevant evidence. The parties will have five (5) days to review any additions to the report and provide one (1) final written response if they choose to do so before the Investigative report is submitted to the Title IX Coordinator.

Within five (5) days of receipt of the final investigative report, the Title IX Coordinator will make a determination that: (1) the University will convene a hearing before an impartial fact-finding Hearing Panel who will hear testimony from the parties and relevant witnesses, review the relevant evidence, and make a determination as to responsibility OR (2) the matter will be dismissed because the investigation revealed facts that either: (a) require a dismissal under Title IX (e.g., the conduct alleged would not constitute Title IX Prohibited Conduct, even if true, did not occur in the University’s Education Program or Activity, or did not occur



in the United States); or, (b) allow for a dismissal (e.g., if the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, the Respondent is no longer enrolled or employed by the University, or specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein). If a determination is made to dismiss the Formal Complaint, the parties may exercise their right to appeal using one or more of the bases for appeal set forth below. In the absence of a dismissal, the matter will be forwarded to the appropriate University Hearing Panel for disposition.

The investigator will send to each party and their Advisors the final investigative report (including the Title IX Coordinator's determination) for their inspection and review using a secure file-sharing platform of the University's choice.

The parties and their Advisors will not be permitted to download, copy, photograph or take other measures designed to retain copies of the final investigative report. If the University is unable to provide the parties access to the materials due to extraordinary and unforeseen circumstances, a hard copy of the evidence will be provided to the parties in person or, if the distance between the parties and the investigator prohibits such delivery, a copy will be sent to the parties using registered mail requiring the recipient's signature. The same restrictions regarding copying, photographing or otherwise making attempts to retain a copy of the preliminary investigative report apply to the final investigative report. Parties who receive a hard copy of the final investigative report by registered mail will be required to return the copy to the investigator at the conclusion of the review period by using registered mail requiring a signature by the recipient.

## **FORMAL HEARING PROCESS**

**A. Receipt of Final Investigative Report.** Within five (5) days of receipt of the final investigative report, the Title IX Coordinator or their designee will select the members of the Title IX Hearing Panel and will provide a copy of the final investigative report to the members of the Hearing Panel. Promptly after selection of the Hearing Panel members, the Title IX Coordinator or their designee will provide concurrent written notice to the parties of the date, time and location of the hearing.

**B. Pre-hearing Meeting:** To promote a fair and expeditious hearing, the parties and their advisors will attend a pre-hearing conference with the Title IX Coordinator or designee. The pre-hearing conference assures that the parties and their advisors understand the hearing process and allows for significant issues to be addressed in advance of the hearing. Pre-hearing meetings should occur no less than five (5) days prior to the date of the hearing."

**C. Responsibilities of Hearing Panel & Parties** The Hearing Panel is required to objectively evaluate all relevant evidence both inculpatory and exculpatory, and to independently reach a determination regarding

responsibility. The University may provide an attorney from its Office of General Counsel, or outside counsel, to advise the Hearing Panel.

### **Responsibilities of the Hearing Panel:**

- i. Ensure that only relevant cross-examination questions must be answered by a party or witness before the party or witness answers. The Hearing Panel may exclude questions that are irrelevant or duplicative.
- ii. Ensure that the hearing process is administered in a fair and impartial manner and that all participants observe basic standards of decorum and that all questions are asked and answered in a respectful, non-argumentative, and non-abusive way. The Hearing Panel will be responsible for ensuring that all parties and witnesses are protected from answering questions designed to be harassing, intimidating, or abusive.
- iii. Render a decision using a preponderance of the evidence standard using the facts as presented through careful examination of the final investigative report, witness testimony, including cross-examination, and the review of all relevant evidence.

### **Responsibilities of the Parties at the Hearing (Complainant and Respondent):**

- i. Truthfully answer questions posed by the Hearing Panel.
- ii. Truthfully answer relevant questions posed by the other party via their Advisor.
- iii. Attend the hearing in its entirety, being present for all witness testimony.
- iv. Adhere to basic standards of decorum by answering questions posed by the Hearing Panel or a party's Advisor in a respectful, non-argumentative, and non-abusive way.

## **D. General Rules for the Hearing**

1. Technical rules of process and evidence, such as those applied in criminal or civil court, are not used in these proceedings. Evidence permitted at the live hearing is limited to only that which is relevant to the allegations in the Formal Complaint. Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action. Evidence not previously provided in advance of the hearing may be accepted for consideration at the discretion of the Hearing Panel.
2. Per Title IX requirements for live cross-examination, parties have the right to cross-examine any witness, including the investigator, and present both fact and expert witnesses which may include investigators. Only Advisors can conduct cross-examination on behalf of a party; there is no right of self-representation, however, the party should be an active participant in informing the questions posed by their Advisor.
3. Cross-examination is designed to allow a party to challenge the consistency, accuracy, memory and credibility of the opposing party or witness. Cross-examination must be relevant, respectful, and conducted in a non-abusive way. The University

retains discretion under Title IX to apply rules of decorum at a live hearing that require participants (including parties, witnesses, and Advisors) to refrain from engaging in abusive, aggressive, or disruptive behavior. Failure to adhere to the rules outlined by the Hearing Panel may result in a decision to cease the hearing and reconvene once the disruptive behavior has been addressed.

4. Parties, through their Advisors, will ask each question one at a time and allow the Hearing Panel to determine the relevance of the question before the other party or witness is asked to answer. This process will be strictly adhered to throughout the entire hearing process. Submission of written questions for the purpose of ascertaining relevance is not permitted.
5. At the request of one or both parties, the Complainant and Respondent will be permitted to participate in the hearing in separate rooms, assisted by technology that allows each party to see, hear, and ask questions of the other party live and in real-time. Witnesses may also appear in separate rooms, but also must be clearly visible and audibly clear to the Hearing Panel, the parties, and their Advisors.
6. All witnesses will be considered the University's witnesses. Names of witnesses may be provided by either party or others who may have been involved with the case. To assist this process, those who have not met with the investigator will be requested to provide a brief statement to the Title IX Coordinator or their designee outlining the relevant information they will share at least three (3) days in advance of the hearing.
7. There shall be a single audio record of all Title IX hearings which will be available to the parties for inspection and review. The parties are not permitted to record the hearing. The recording shall be the property of the University and will be maintained with all records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct for no fewer than seven (7) years. Accordingly, documents prepared in anticipation of the hearings (including the Formal Complaint, the preliminary investigative report, the final investigative report, the notices of hearing, and any prehearing submissions) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing process, except as may be required or authorized by law or legal proceeding. In particular, to respect the reasonable privacy of all participants, no party (or representative), nor any witness, may record the hearing or disclose any recording of the hearing or any portion thereof. Any violation of privacy requirements shall constitute a violation of this Policy, which may result in disciplinary action.
8. If a party or witness, with notice, does not appear before the Hearing Panel, the hearing will take place in their absence. If a party or witness appears at the hearing but refuses to answer questions posed to them by the other party's Advisor, the Hearing Panel will reach its determination using the evidence available to them. The Hearing Panel may not draw any inference

as to the responsibility of the Respondent based on any party or witness's absence or refusal to undergo cross-examination. If a party's Advisor does not appear at the time of the hearing, the University will provide an Advisor for that party without fee or charge, to conduct cross-examination on behalf of that party.

9. If the matter involves more than one Respondent, the Title IX Coordinator, in their discretion, may permit the hearing concerning each Respondent to be conducted either jointly or separately.

#### **E. Conclusion of the Hearing.**

Following the conclusion of the hearing, the Hearing Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the final investigative report, the parties' written statements, if any, the evidence presented at the hearing, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed a violation of this Policy. The Hearing Panel will typically submit its finding of responsibility or non-responsibility and rationale in writing to the Title IX Coordinator within five (5) days of the hearing. Decisions made by the Hearing Panel are final pending the normal review and appeal process.

**F. Consideration Statements:** Following the conclusion of the hearing, the Title IX Coordinator or designee will instruct the parties that they may, in the event of a finding of responsibility that may result in sanctioning, each submit a consideration statement, if they choose, to be received by the Title IX Coordinator or designee no later than two (2) days from the date of the hearing. The "consideration statement" is a written statement from a complainant or respondent describing the mitigating or aggravating factors that may help inform sanctioning. The consideration statement may not exceed five (5) pages, and under no circumstance will more than one consideration statement be permitted from either party.

#### **SANCTIONS**

Within five (5) business days of receipt of the Hearing Panel's finding, the Title IX Coordinator or their designee will review the finding and provide a copy of the finding to the appropriate sanctioning authority, if applicable, along with the parties' consideration statements, if any. The sanctioning body will assign sanctions within five (5) days of receipt of the finding and consideration statements, if any, in both student cases and employee cases.

#### **A. For Student Respondents.**

If the Respondent is found to be responsible for the Prohibited Conduct as an outcome of the hearing, the Senior Director, Office of Student Accountability & Conflict Response, will assign sanctions, giving consideration to whether a 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. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, and any record of prior student discipline, if applicable. Sanctions may include, without limitation, formal warning, conduct probation, suspension or expulsion from the University. In

addition, other administrative sanctions may include exclusion, housing reassignment, loss of housing, and/or loss of privileges. The University reserves the right to impose other sanctions and/or educational, reflective, and restorative outcomes in addition to the administrative sanctions listed above in response to the specific circumstances of a case. Supportive measures, including No Contact Directives, may also be continued. Imposition of the appropriate remedy and/or sanction will be implemented only after all appeals have been exhausted.

**B. For Employee Respondents.** If the Respondent is found to be responsible for the Prohibited Conduct as an outcome of the hearing, the Title IX Coordinator or their designee will provide a copy of the Hearing Panel's finding to the Associate Vice President for Equal Opportunity and Access, the Respondent's immediate Supervisor, and other appropriate University officials. The Supervisor, in consultation with the relevant University officials will determine the appropriate remedy and/or sanction to be imposed. If disciplinary action is imposed, the Supervisor will notify the Office of Equal Opportunity and Access, Human Resources, and other University officials, as appropriate, when such action has been completed (i.e., training, probation, suspension). Sanction(s) may include restrictions from all or portions of campus, change in working facility, removal from classroom teaching, withhold salary increase, removal of endowed chair, removal of emeritus status, removal of graduate school status, termination of research project funding, removal from administrative position, written warning, loss of privileges, mandatory training or education, No Contact order, loss of salary increase, administrative leave, recommended revocation of tenure, and/or termination of employment depending on the circumstances and severity of the violation.

When the Respondent is an employee subject to the terms of a collective bargaining agreement, the matter shall be referred to Labor and Employee Relations to ensure that any discipline and/or sanctions are imposed in accordance with the collective bargaining agreement applicable to the Respondent.

When the Respondent is a tenured or tenure-eligible faculty member, and the sanction imposed is recommended dismissal of the Respondent's employment and/or revocation of tenure, the matter shall be referred to the appropriate academic administrator to initiate dismissal pursuant to Penn State Policy [AC70](#).

## WRITTEN NOTICE OF OUTCOME AND SANCTIONS

Within five (5) days of receipt of the notice of sanctions issued by the sanctioning body, the Title IX Coordinator will review the decision of the Hearing Panel and the sanctions, if applicable, and will send written notice ("Notice of Outcome") of both simultaneously to the parties. The Notice of Outcome from the Title IX Coordinator or their designee will include:

1. If the Respondent is found responsible, the specific behaviors concluded to be Title IX Prohibited Conduct.

2. Description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of the University's Student Code of Conduct (for student-related matters) or employee handbooks and other applicable University policies (for employee-related matters).
5. Statement of, and rationale for, the result of each allegation, including a determination regarding responsibility, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided by the University to Complainant.
6. Sanctions, if applicable.
7. Procedures and bases for the Complainant and Respondent to appeal.

## APPEAL RIGHTS OF PARTIES

The University offers to both parties appeal rights from either: (a) a determination regarding responsibility, or (b) the University's dismissal of a Formal Complaint or any allegations therein at any stage.

For students, appeals must be grounded in one or more of the following rationales:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual parties in particular, and that bias affected the outcome of the matter; and/or,
4. The sanction(s) imposed was/were not appropriate for the violation(s).

For employees and third parties, appeals must be grounded in one or more of the following rationales:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility was made has come to light that could affect the outcome of the matter;
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual parties in particular, and that bias affected the outcome of the matter.

Appeals must be submitted in writing to the Title IX Coordinator or their designee within five (5) business days of the date of the Notice of Outcome or Notice of Dismissal.



The Title IX Coordinator or their designee shall immediately provide notice of the appeal to the non-appealing party, who has five (5) days to submit a written response to the appeal which addresses solely the ground(s) alleged for the appeal. The non-appealing party shall be limited to one and only one written response to the appeal. Upon receipt of the non-appealing party's response to the appeal, the Title IX Coordinator or their designee will submit the appeal and the non-appealing party's response to the appeal officer, who shall not be the same individual who issued the Dismissal, Finding of Responsibility, or Sanction.

The appeal officer for undergraduate students is the Associate Vice President for Undergraduate Education or their designee.

The appeal officer for graduate students is the Vice Provost for Graduate Education and Dean of the Graduate School or their designee.

The appeal officer for staff is the Vice President for Human Resources or their designee.

The appeal officer for faculty and postdoctoral scholars/fellows is the Vice Provost for Faculty Affairs or their designee.

The appeal officer's review will be based only on the written record, which shall consist of the final investigative report, Notice of Outcome, written appeal and written appeal response (if any), and will not include meetings or discussions with the parties or Title IX personnel directly involved in the investigation. Therefore, the appealing party should include any supporting documents with their written appeal, including any alleged new evidence that was not available at the time of the hearing that may have affected the outcome. The appeal officer may consult with the Title IX Coordinator regarding matters of procedure, as appropriate.

For an appeal related to the dismissal of a Formal Complaint based on the limited grounds above, the appeal officer will decide whether to approve or reject the decision of the Title IX Coordinator. If rejected, the appeal officer will return the Formal Complaint to the Title IX Coordinator, and the complaint process shall proceed consistent with Section XII of this Policy. If approved, the matter is closed.

For the appeal of a finding of the Title IX Hearing Panel based on the limited grounds above, the appeal officer will decide whether to approve, reject, or modify the decision and/or sanctions or to remand the case to the Hearing Panel for clarification or a completely new hearing. The appeal officer's decision will confirm and correct any identified procedural irregularities, conflicts of interest or bias, and/or ensure that any newly discovered evidence is included in their decision.

Within five (5) days of receipt of the appeal packet, the appeal officer will issue a final written decision simultaneously to both parties and the Title IX Coordinator

describing the result of the appeal and the rationale for the result. The decision of the appeal officer is final.

## Procedures for Reports of Non-Title IX Misconduct Filed Against a Student

All student sexual misconduct will proceed under [AD85](#) even if they do not meet the jurisdictional criteria of Title IX.

## Procedures for Reports of Non-Title IX Sexual Misconduct Filed Against an Employee

### Discrimination and Harassment Complaint Procedures

The Office of Equal Opportunity and Access implements the procedures below to ensure an objective, equitable and timely resolution of complaints of discrimination, harassment, non-Title IX sex and gender-based harassment (including dating violence, domestic violence, sexual assault, or stalking), and retaliation, defined as Prohibited Conduct in University Policy [AD91](#). Complaints of sexual harassment as defined under Title IX will be addressed under University Policy [AD85](#). Any person believing that they have been subjected to discrimination or harassment as defined in these policies may file a complaint with the Office of Equal Opportunity and Access (OEOA). These procedures address all complaints of alleged discrimination or harassment, including, but not limited to, non-Title IX sex and gender-based harassment, acts of bias, discrimination based on age, race, color, national origin, disability, religion and complaints of retaliation against those who have opposed discriminatory practices, those who have filed complaints of discrimination or harassment, and those who have served as witnesses or otherwise participated in enforcement of applicable discrimination or harassment policies.

It is important that all members of the University community understand that, as defined in university policy, the University prohibits workplace discrimination or harassment (between employees), as well as discrimination, harassment, or retaliation against members of the University community more generally, including discrimination by employees against students, between students, or by a third party (non-community) individual. The University non-discrimination policy applies to all programs and activities, including, but not limited to, extracurricular activities, instruction, University housing and University employment.

Complaints brought against any University employee or against individuals who are not members of the University community (e.g., vendors, outside contractors, guests) will be managed by the OEOA. Complaints brought against any University student will be managed by the Office of Student Accountability and Conflict Response (OSACR).

Any person may report discrimination or harassment (whether or not the individual reporting is the person alleged to be the victim of conduct that could constitute discrimination or harassment), in person, by mail, by telephone, by email or through the OEOA online reporting form, using the contact information listed below.

## The Office of Equal Opportunity and Access

328 Boucke Building  
University Park, PA 16802  
(814) 863-0471  
<https://equalopportunity.psu.edu>

### Relevant Definitions

**Complainant.** An individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct, as defined herein and in University Policy [AD91](#).

**Complaint.** A written allegation of discrimination, harassment or retaliation as defined in University Policy [AD91](#), against a University employee or against individuals who are not members of the University community (e.g., vendors, outside contractors, guests), submitted to the OEOA by the individual who is directly targeted or impacted by the alleged behavior or by a third party with knowledge of the alleged behavior. Complaints may be submitted by employees, students, or individuals who are not a member of the University community.

**Interim Measures.** Resources or arrangements offered to the Complainant or Respondent to provide support to the parties during the assessment of the complaint or the investigative process.

**Prohibited Conduct.** Acts of Bias, Discrimination, Gender-based Harassment, Harassment, Retaliation, Sex-based Harassment as defined herein and in University Policy [AD91](#).

**Respondent.** An individual who has been alleged to be the perpetrator of conduct that could constitute Prohibited Conduct, as defined herein and in University Policy [AD91](#).

**Support Person.** An individual whom a Complainant or Respondent may choose to be present during the investigative process to provide support. The support person may accompany the party to related meetings, but may not speak on behalf of the party, make a presentation, directly participate in the meeting, or interfere with the investigative process. A support person cannot be a party to the complaint, participate in the investigative process as a potential witness or otherwise have a conflict of interest related to the complaint, or act as legal counsel for the Complainant or Respondent. If, at any point, a support person becomes disruptive or fails to adhere to the rules for participation as set forth in this policy, the University reserves the absolute and non-appealable right to remove the support person from the meeting, and, if appropriate, from any future meetings. The support person must abide by all confidentiality requirements outlined by the OEOA. Failure to abide by such requirements will result in the removal of the support person from the investigative process and may result in disciplinary action if the individual is a University employee or student. The support person must be identified by the Complainant or Respondent to the OEOA at least three business days before the date of any meeting with an OEOA staff member.

It is the Complainant's and Respondent's decision whether to seek the advice of an attorney, at their own expense, if they feel they need legal advice. Although anyone may seek legal advice, OEOA communicates and interacts only with the parties and any witnesses, not with their attorneys. Legal counsel for the Complainant or Respondent is not permitted to participate in the informal complaint resolution processes or the formal investigative process.

### Initial Assessment

Upon receipt of an allegation of Prohibited Conduct, the OEOA will contact the Complainant in writing to review the availability of Interim Measures, and other rights and options, and provide an overview of the OEOA investigative process.

The Associate Vice President for Equal Opportunity and Access (AVPEOA) or designee will assign an Investigator, who will make an initial assessment as to whether the allegation on its face involves an act of Prohibited Conduct that is covered by University Policy. This assessment may include consultation with other University administrators and officials as required by University Policy, or as deemed necessary by the AVPEOA or designee. At the conclusion of the initial assessment, the Investigator will meet with the Complainant to discuss the following resolution mechanisms and next steps:

1. Informal resolution of the allegation
2. Formal investigation of the allegation
3. Referral to an appropriate administrative office/unit
4. No further action

After communication with the Complainant, the final decision to proceed with one of the mechanisms above will be based on the assessment of the allegations by the Investigator, who will communicate the decision in writing to the parties.

If the Investigator determines that the allegation warrants a formal investigation in cases where the Complainant does not wish to move forward with such action, the Investigator will meet with the Complainant to discuss the decision, including the factors that were assessed and the Complainant's rights related to participation in the investigation.

Throughout the OEOA assessment and investigative procedures, the Complainant(s) and Respondent(s) shall be offered Interim Measures as appropriate and protection from retaliation (see Penn State Policy [AD67](#)). The Parties are not required to request a formal investigation to receive Interim Measures. The provision of Interim Measures will not be conditioned on the Complainant's participation in any formal investigation. Both a Complainant and a Respondent may have a good-faith basis for requesting Interim Measures. The OEOA will consider the request of either party for Interim Measures and implement them where it is deemed reasonable and appropriate.

Interim Measures may include emotional support and counseling with a confidential resource, modifications of

work or course schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, no-contact directives, and other similar measures. The University must maintain as confidential any Interim Measures provided to the Complainant or Respondent to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Interim Measures. The Investigator is responsible for coordinating the effective implementation of Interim Measures.

The Respondent is presumed to be not responsible for the alleged conduct until such time as a determination is made regarding responsibility by the OEOA.

### **Administrative Leave**

The University may place an employee Respondent on Administrative Leave, with or without pay, during the pendency of these procedures. If the University determines Administrative Leave is appropriate, the employee Respondent will be provided with notice by the unit head, along with the specific parameters for the Leave.

### **Request for Informal Resolution**

Complaints that do not meet the threshold for a formal investigation may still involve behavior that negatively impacts a specific work unit, classroom, individual employee or student, or group of employees or students. If the Complainant requests that an informal resolution should be pursued, the OEOA will attempt to facilitate a resolution that is appropriate. For allegations by students specifically involving violations of Title VI (race, color, or national origin), the informal resolution process must be agreed to by both parties. Informal resolution shall not include disciplinary action for the Respondent beyond a letter of reprimand. Typically, informal resolution efforts will be completed within thirty (30) calendar days of the request, but this timeframe may be extended. If at any point during the informal resolution process, the Complainant or Respondent wishes to stop the informal process and proceed with formal investigation procedures, a written request must be submitted to the OEOA Investigator, who will review the request with the AVPEOA or designee. If the OEOA determines that a formal investigation is necessary at any point during the informal resolution process, both parties will be informed in writing and a formal investigation will commence. Informal resolution is not available in cases involving sexual assault, as defined in University Policy [AD91](#).

Resolving matters informally to adequately address the behavior, may include, but are not limited to the following:

- A meeting between the employee alleged to have engaged in the conduct and their Human Resources Strategic Partner or Consultant. The purpose of this meeting will be to discuss the alleged behavior and review policy with the employee. A letter of conversation or other documentation memorializing the meeting will be provided to the employee and the OEOA. If there is a known Complainant, the OEOA will notify the Complainant regarding the resolution of the

matter consistent with university policies governing the release of personnel records information (see University Policy [HR60](#)).

- A meeting with an OEOA staff member. The purpose of this meeting will be to discuss the alleged behavior and review policy with the employee. A letter of conversation or other documentation memorializing the meeting will be provided to the employee's supervisor and HR Strategic Partner. If there is a known Complainant, the OEOA will notify the Complainant regarding the resolution of the matter consistent with university policies governing the release of personnel records information (see University Policy [HR60](#)).
- Attendance at a relevant training or educational program. Upon review of the behavior, the OEOA may determine that the employee should receive additional training. These trainings will be offered at no cost to the employee utilizing University resources.

### **Request for Formal Investigation**

A Complainant may request a formal investigation into allegations of Prohibited Conduct by submitting a request in writing to the OEOA upon filing an initial complaint or during an informal resolution process. This request may be submitted as a hard copy document, an email or via the OEOA online reporting form. The decision to proceed with a formal investigation is subject to an objective initial assessment of the known facts by the OEOA Investigator, who will communicate the decision in writing to the parties. There is no deadline for a Complainant to request a formal investigation; however, the passage of time may impact the OEOA's ability to gather information related to the incident.

In order to conduct a formal investigation, the Complainant must provide a description of the alleged Prohibited Conduct, including the name or names of persons allegedly responsible for the misconduct, the time, date, and location of the alleged misconduct, if known, and the names of any potential witnesses, if known.

The University's response must treat Complainants and Respondents equitably by offering Interim Measures, by providing Remedies to a Complainant, as appropriate, where a determination has been made that the Respondent has engaged in Prohibited Conduct, and by following the investigative process as set forth herein before the imposition of any disciplinary sanctions or other actions that are not Interim Measures, against a Respondent.

The University is committed to providing both parties with appropriate and adequate notice at all phases of the process and an equal opportunity to provide information to the Investigator during the investigative process. Each party will be provided with an equal opportunity to be presented with and respond to such information.

During the investigative process, the Investigator will gather and review all relevant evidence, taking into consideration both the inculpatory (incriminating) and exculpatory (information that demonstrates no wrongdoing) aspects of that information prior to rendering a final decision. The



OEOA will determine the relevance of witnesses and information presented.

In all formal investigations, the burden of gathering facts and evidence rests solely with the University and not the individual parties. The parties are encouraged to provide all information to the Investigator that is directly related to the allegations. Such information may include the names of potential witnesses and documentary evidence such as employee performance evaluations, course grades or written evaluations, emails, text messages, pictures/videos, and other similar electronic or hard copy communications. The information may also include, in some cases, medical, psychological, or other treatment records provided that the party provides the investigator with written consent to consider and include the treatment records in the investigation.

The OEOA will take reasonable steps to gather initial facts and evidence by providing both parties with an opportunity to meet with the Investigator. The Investigator may request additional interviews with a party or parties based on information gathered during the investigation. During every interview, the Complainant and Respondent will have opportunities to provide the Investigator with their recollection of the alleged incident(s), the names of witnesses and copies of documents to the Investigator. Providing information to the Investigator, whether submitted verbally or by the submission of documents or both, is voluntary for all parties. The University cannot compel a party or witness to answer any questions during the interview(s) or submit documents or otherwise make any statements. However, the parties are encouraged to provide relevant information to the Investigator. A party or witness' decision not to participate in the investigatory process, in whole or in part, will be documented in the investigative record. The OEOA may, in its discretion, consolidate complaints where the allegations arise out of the same facts.

The OEOA will seek to complete the investigation and any additional necessary processes within a prompt and reasonable amount of time, typically not to exceed one hundred and twenty (120) days. This timeline is not binding and creates no rights for the parties. The OEOA can extend deadlines at its discretion. If temporary delays occur, the Complainant and Respondent will be notified in writing regarding the reason(s) for the delay.

Both parties have the right to have their support person present during meetings related to the investigative process. The Complainant or Respondent may consult with their support person quietly or in writing during any meetings, but the support person may not speak on behalf of the Complainant or Respondent or directly participate otherwise in the meeting as outlined in the Relevant Definitions section of these procedures. Delays in the investigative process will not normally be allowed due to scheduling conflicts with a support person.

### **Notice of Investigation**

Both parties will receive written notification that the University has initiated a formal investigation. The "Notice of Investigation" will include:

- A description of the alleged behavior including the names of relevant parties, description of the alleged offending behavior(s) and the date, time, and locations of the incident(s), if known. It will also include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigative process.
- A statement regarding the standard of evidence to be used in considering the facts and evidence. "Preponderance of the evidence" is the standard applied in formal investigations of Prohibited Conduct. Assessing facts and evidence using this standard means that the Investigator will carefully, thoroughly, and objectively consider all of the evidence, then determine which facts and evidence are more credible. A "preponderance" standard means that it is more likely than not, based upon the totality of all relevant evidence and reasonable inferences from the evidence that the Respondent engaged in the Prohibited Conduct.
- A statement apprizing the party of their opportunity to present relevant facts and witnesses. In all formal investigations, both parties will have an equal opportunity to present information to the Investigator, including the names of witnesses and other relevant information. The OEOA will determine the relevance of witnesses and information presented.
- Information regarding Interim Measures available to both Complainants and Respondents.
- A statement regarding the University Policy prohibiting retaliation (See Penn State Policy AD67).
- A statement regarding the University's requirement for all parties that they will not make false statements or knowingly submit false information as prohibited by university rules and regulations.

### **Amended Notice of Investigation**

If, during the course of the investigation, the University acquires information previously unknown or unavailable at the time of the original notice (e.g., names of previously unknown relevant parties, dates of incident(s); the times or locations of incident(s), or additional allegations of misconduct involving the Respondent), the OEOA will revise the Notice of Investigation to include this information and provide the parties with an amended copy of the Notice.

If the University acquires information that suggests that additional misconduct may have occurred, in addition to the alleged misconduct raised in the initial complaint, the University may investigate the additional allegations concurrently with the initial allegation. All parties will be provided with a reasonable amount of time to respond to the new allegations, including the right to present relevant information to the OEOA Investigator.

## Investigative Report

Upon the conclusion of their investigation, the OEOA Investigator will prepare an Investigative Report that fairly summarizes the relevant evidence and renders a finding using the preponderance of the evidence standard. The Investigator will send the report to the AVPEOA or designee for review.

## Letter of Finding

Upon the AVPEOA or designee's review of the Investigative Report, the OEOA Investigator will issue a Letter of Finding. The Letter of Finding shall include:

1. Whether the Respondent has been found responsible for violating University policy and, if so, the specific behaviors deemed to be Prohibited Conduct.
2. General description of the procedural steps taken during the investigative process.
3. Findings of fact supporting the determination.
4. Conclusions regarding the application of applicable University policies.
5. Information on the right of either party to request an internal review of the OEOA determination or to file a complaint with a relevant federal or state agency.

## Sanctions and Corrective Action

While the OEOA does not impose disciplinary action, the University takes allegations of Prohibited Conduct, and retaliation, very seriously. After the OEOA conducts a fair, equitable, and timely investigation, they may recommend corrective action to the appropriate University officials, if warranted. Such action can include, but is not limited to, specialized training, and other actions up to and including termination of employment.

**Findings of Responsibility.** If the Respondent is a University employee and is found to be responsible for the Prohibited Conduct as an outcome of the investigation, the AVP of OEOA or their designee will meet with the Respondent's immediate Supervisor and/or other appropriate University officials to discuss the Letter of Finding and recommended disciplinary action. The OEOA may also determine that the Investigative Report should be provided to the employee's supervisor, the Human Resources Strategic Partner or to additional University administrators, in order to determine appropriate action following a finding of responsibility. The Supervisor, in consultation with relevant University officials will determine the appropriate remedy and/or sanction to be imposed. If disciplinary action is imposed, the Supervisor will notify the OEOA, Human Resources, and other University officials, as appropriate, when such action has been completed (i.e., training, probation, suspension). Disciplinary sanctions may include one or more of the following measures:

- Termination from the University
- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated training/education
- Written reprimand in personnel file
- Removal from classroom teaching
- Tenure revocation

- Withhold salary increase (from one to several years)
- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position

When the Respondent is an employee subject to the terms of a collective bargaining agreement, the matter shall be referred to Labor and Employee Relations to ensure that any discipline and/or sanctions are imposed in accordance with the collective bargaining agreement applicable to the Respondent.

When the Respondent is a tenured or tenure-eligible faculty member, and the sanction imposed is initiation of the process for dismissal of the Respondent's employment and/or revocation of tenure, the matter shall be referred to the appropriate academic administrator to initiate dismissal pursuant to Penn State Policy [AC70](#).

## Third Party Respondents

Complaints against individuals who are not members of the University community (e.g., vendors, outside contractors, guests) will be managed by the OEOA, but there is limited oversight of those individuals by the University related to specific sanctions or corrective action. The University will take all appropriate and applicable measures to address the alleged behavior with the individual's employer, sponsor, or host to ensure that the complaint has been adequately handled. If the individual is found to be responsible for engaging in Prohibited Conduct per [AD91](#), corrective actions may include, but are not limited to, moving the individual to an alternate location, prohibiting the individual from returning to campus, or prohibiting the individual from participating in any University activities on or off-campus.

## Review Rights of Parties

The University offers to both parties an opportunity to request an internal review of a determination made by the OEOA. Appropriate grounds for an internal review of the OEOA outcome are as follows:

1. A procedural irregularity affected the outcome of the matter.
2. New evidence, which was not reasonably available at the time the determination regarding responsibility was made, has come to light that could affect the outcome of the matter.

If a staff member, who is a Complainant or Respondent, is not satisfied after completion of the OEOA process, the employee may request a Final Step Review, in writing, within seven (7) days of the OEOA's conclusion of the matter (i.e., receipt of the Letter of Finding) per university policy HR79 – Staff Grievance Procedure and shall list the matter(s) to be reviewed. The decision reached through the HR79 process is final.

If a faculty member, academic administrator or other academic employee who is a Complainant or Respondent is not satisfied after completion of the OEOA process, the

employee may request a review of the case by the Vice Provost for Faculty Affairs or designee, in writing, within seven (7) days of the OEOA's conclusion of the matter (i.e., receipt of the Letter of Finding), and shall list the matter(s) to be reviewed. The Vice Provost for Faculty Affairs or designee will review the case and communicate a decision to the parties in writing. The Vice Provost for Faculty Affairs or designee's decision will be final.

If a party would like to file a discrimination, harassment, or retaliation complaint externally, they may file with the following administrative agencies:

**For Student Complaints:** The Department of Education's Office for Civil Rights (Philadelphia Office) at 215-656-8541 or email [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov)

**For Employee Complaints:** The Equal Employment Opportunity Commission (Philadelphia District Office) at 800-669-4000

The Pennsylvania Human Relations Commission (Harrisburg Regional Office) at 717-787-9780

### **Record-Keeping Provision**

The OEOA will retain a full record of all complaints filed under these provisions for a period of no less than seven (7) years from the date of the complaint or date of employee's separation from the University. This includes records of any actions, including any Interim Measures, taken in response to a complaint of Prohibited Conduct.

The University will, upon written request, disclose to an alleged victim of a crime of violence or non-forcible sexual assault the outcome of the conduct process in writing. Written request is not required, however, from an alleged victim of domestic violence, dating violence, sexual assault, or stalking. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as an alleged victim for purposes of this paragraph.





## ***Possible administrative sanctions, educational, reflective, and/or restorative outcomes, or protective measures Penn State may impose following a final determination of an institutional procedure against students***

Following a final determination of an institutional procedure (Title IX or Non-TIX sexual misconduct) regarding domestic violence, dating violence, sexual assault or stalking, the University may impose sanctions. The following sanctions may be imposed upon any student found to have been responsible for an incident of dating violence, domestic violence, sexual assault, or stalking. More than one of the sanctions or outcomes listed below may be imposed for any single violation.

### **Administrative Sanctions:**

- **FORMAL WARNING:** The Respondent is given official notice that their conduct is in violation of the Code, and that future violations may result in more significant student conduct action.
- **CONDUCT PROBATION:** The Respondent is given official notice that their continued relationship with the University is conditional and dependent upon demonstrated and sustained compliance with university policy and the assigned Action Plan. Eligibility for certain University Sponsored Activities may be restricted while a student is on Conduct Probation. The period of probation can last from one semester to multiple semesters, or indefinitely.
- **SUSPENSION:** The Student is ineligible to register for, to attend, or to participate in University Sponsored Activities, and to live in university housing for a specified period of time. A Negative Transcript Notation is applied for the length of the suspension and may not be removed until completion of the Action Plan. A suspension may also include an exclusion, see below, from some or all University Premises.
- **INDEFINITE SUSPENSION:** A Suspension which is applied for an indefinite period of time. The Respondent may request the Indefinite Suspension be lifted, in accordance with applicable procedures, after a specified period of time.
- **EXPULSION:** The Student is permanently expelled from the University and is prohibited from participating in University Sponsored Activities or residing in university housing. A permanent Negative Transcript Notation is applied. An expulsion may also include an exclusion, see below, from some or all University Premises. This sanction requires administrative review and approval by the University President.
- **EXCLUSION:** The Student is not permitted to appear at or be present on all, or a specified portion of, University Premises, including virtual spaces, without advance written permission from the Senior Director.

### **University Housing Action:**

- **HOUSING REASSIGNMENT:** The Student is relocated to an alternate residence hall assignment.
- **LOSS OF HOUSING:** The Student is ineligible to reside in university owned or operated housing for a

designated period of time. During this designated period, the Student may not be present in any private residential areas, such as a resident's room or suite, of any University owned residence hall or apartment building. If applicable, the Student is removed from any current and/or future residence hall assignment. This sanction requires administrative review and approval by the Senior Director of Residence Life.

- **LOSS OF PRIVILEGES:** The Student or Student Organization is denied specified privileges normally associated with Student status or recognized Student Organization status, such as participation in or sponsorship of University Sponsored Activities or use of university property or facilities.
- **RESTITUTION:** The Student is required to replace or restore damaged, stolen, or misappropriated University property.

### **Conditional Administrative Sanctions:**

- Any administrative sanction may be issued in a conditional status, meaning the sanction is considered inactive contingent upon compliance with a designated set of conditions, including no further Code violations for a specified period of time. Failure to comply may result in the conditional sanction going into effect immediately upon the finding of a violation. Conditional sanctions may only be appealed at the time they are issued. Appeals at the time they go into effect will not be considered.

### **Other Administrative Actions:**

- The University reserves the right to impose other administrative sanctions or measures in addition to those listed above in response to specific circumstances of a case
- No Contact Directives
- Change in course assignment
- Mandated Psychological Evaluation and/or Counseling

### **Educational, Reflective and/or Restorative Outcomes:**

Administrative sanctions are typically accompanied by educational, reflective and/or restorative outcomes, to create an individualized Action Plan for the Respondent. The Action Plan is intended to promote reflection and growth, repair any harm caused, and help the student recommit to institutional values. Outcomes help the student to accomplish these goals by providing opportunities for learning and development.

## ***Possible sanctions or protective measures Penn State may impose following a final determination of an institutional procedure against employees***

- Employee termination from the University
- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated training/education

- Written reprimand in personnel file
- Removal from classroom teaching
- Tenure revocation
- Withhold salary increase (from one to several years)
- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position

## ***Protecting the Confidentiality of Victims***

All members of the University Conduct Board, Title IX Decision Panel, case managers and investigators have been trained in confidentiality of student records and the provisions of the Family Educational Rights to Privacy Act. The University will maintain confidentiality during accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. The University does not publish the personally identifiable information of the crime victims in its Annual Security Report or other publicly available disclosures, nor does it house identifiable information regarding victims in the campus police department's Daily Crime Log. Victims may request that directory information on file be removed from public sources by completing a Request to Withhold Directory Information from posted on the Office of the University Registrar's website at

<https://www.registrar.psu.edu/confidentiality>.

## ***Sex Offender Registration — Campus Sex Crimes Prevention Act***

### ***Megan's Law***

Members of the general public may request community notification fliers for information concerning sexually violent predators in a particular community by visiting the chief law enforcement officer in that community. In jurisdictions where the Pennsylvania State Police is the primary law enforcement agency, members of the general public may make such requests at the local Pennsylvania State Police Station in that community. This information is also available on the Pennsylvania State Police "Megan's Law" website <http://www.pameganslaw.state.pa.us>

## **EDUCATION AND PREVENTION PROGRAMS**

The University engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for the campus community that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Defines domestic violence, dating violence, sexual assault, and stalking including how those terms are defined in the Commonwealth of Pennsylvania;
- Defines what behavior and actions constitute consent to sexual activity in the Commonwealth of Pennsylvania;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to minimize the risk of potential attacks;
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; presenting programs throughout the year on at least a quarterly basis, including sessions such as:

- RAINN (Rape Abuse and Incest National Network) Day: Dating Violence, incest, sexual assault facts, steps to avoid sexual assault.
- The Shoe Project: Experiences of sexual assault survivors.
- The Bro Code: How contemporary culture creates sexist men.
- Healthy Relationships: How to identify and seek counseling for domestic violence and sexual assault within intimate partnerships.
- Stalking Awareness.
- Bystander intervention video "Who Are You"
- Sexual Harassment: What it is and What can be done about it.

In an effort to provide our students, faculty, staff and community with information about the campus security procedures and practices and with the tools that they need to help to keep themselves and others safe, University Police and its University partners provide a variety of educational programs on topics such as, sexual assault awareness, domestic/relationship violence, stalking, drugs and alcohol awareness, and theft prevention. All programs are offered to students, faculty, and staff as requested and most are offered on an annual basis. If you or your organization would like to request a specific program, please visit [www.police.psu.edu/community-policing](http://www.police.psu.edu/community-policing).

## ***Risk reduction, warning signs of abusive behavior and future attacks***

No victim is EVER to blame for being assaulted or abused. Unfortunately, studies show that a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to reduce the risk of a potential attack.

### **Warning Signs of Abusive Behavior**

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner;
2. Constantly watching what you say to avoid a “blow up;”
3. Feelings of low self-worth and helplessness about your relationship;
4. Feeling isolated from family or friends because of your relationship;
5. Hiding bruises or other injuries from family or friends;
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone);
7. Being monitored by your partner at home, work or school; and
8. Being forced to do things you don’t want to do.

### **Help Reduce Your Risk and Avoid Potential Attacks**

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Get help by contacting the Gender Equity Center, Counseling Center or Health Center for support services
2. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners
3. Consider making a report with University Police and/or the Title IX Coordinator and ask for a “no contact” directive from the University to prevent future contact
4. Consider getting a protection from abuse order or no contact order from a local judge or magisterial justice
5. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported
6. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it

### **Sexual Assault Prevention (From RAINN)**

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured

- Avoid group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take their number instead of giving out yours

### **Traveling around campus (walking)**

- Make sure your cell phone is easily accessible and fully charged
- Be familiar with where emergency phones are installed on the campus
- Take major, public paths rather than less populated shortcuts
- Avoid dimly lit places and notify campus services if you believe that lights need to be installed in an area
- Be alert and aware of your surroundings and avoid unnecessary distractions
- Travel in groups when possible
- Carry a noisemaker (like a whistle) on your keychain
- Carry a small flashlight on your keychain
- If walking feels unsafe, try calling University Police and Public Safety

### ***Bystander Intervention: We all have a role to play in watching out for each other***

The Gender Equity Center has expanded its Prevention Education Team by absorbing the roles of Stand for State and investing in new programs.

The Gender Equity Center has revitalized and re-envisioned Penn State’s Bystander Intervention Program into It’s On Us Penn State, re-envisioned and expanded Men Against Violence, launched an Ambassadors Program, and is introducing the program, Flip the Script with EAAA, the Enhanced Assess Acknowledged Act. We all have a role to play in watching out for each other. And It’s On Us Penn State is our bystander intervention initiative which focuses on interrupting situations related to sexual and relationship violence, acts of bias, and sexual or gender-based harassment. It’s On Us launched university-wide in August 2022 after the Gender Equity Center received a \$30,000 grant in Spring 2021 through the It’s On Us campaign from the Pennsylvania Governor’s Office to enhance peer education opportunities and violence prevention programming and awareness at Penn State.

Through a collaboration with other Student Affairs offices, including the Center for Sexual and Gender Diversity, Health Promotion and Wellness, and the Paul Robeson Cultural Center three interactive and engaging peer lead



workshops were created. These workshops promote sexual violence prevention and increase support for victim survivors by focusing on innovative intersectional programming to eliminate all forms of oppression which contribute to the perpetration and continuation of sexual and gender-based violence.

"It's On Us" is more than a rallying cry, it is a promise and a commitment from Penn State community members to the victim survivors in our community that we accept the charge that It is On Us to eliminate sexual violence at Penn State. It is on all of us, not just victim survivors, to advocate for change and learn how to make a difference. By participating in one of the It's On Us workshops, you can contribute to a campus culture that refuses to enable and excuse acts of violence.

Bystander intervention is built upon the premise that in order to reduce harm on campus, a cultural shift is necessary. There are two ways that bystanders can take action and contribute to that cultural shift:

# 1. **Reactive Choices: The 3D's are options a bystander can use to respond to concerning situations in a safe and effective way.**

**Direct:** Directly interact with the people involved in the situation and acknowledge concern. Options to interrupt sexual violence:

- "Are you ok?"
- "I don't think you should hook up with that person. They seem drunk."
- Options to interrupt acts of bias:
  - "I don't know if you intended your comment to come across that way, but I understood it as you are implying..."
  - ""Are ALL really like that? That's not my experience."
  - "Are you okay? I want to let you know I don't agree with what that person said. Can I be supportive in some way?"

**Distract:** When an individual does not overtly express concern, but still takes action to interrupt the situation.

- Options to interrupt sexual violence
  - Say their friends have been looking for them
  - Offer an alternative activity that separates the two
- Options to interrupt acts of bias
  - Act like you know the target and act like you are inviting them to get coffee to give them an opportunity to leave the situation.
  - Change the topic of conversation, then follow up later to address the issue with them

**Delegate:** Asking someone else to intervene. This also notifies someone else of what is going on and that something needs to be done. If someone ever feels unsafe or thinks it would put the target in more danger, a bystander should delegate.

- Options to interrupt sexual violence
  - Talk to their friends and ask them to check in
  - Tell an RA
  - Call 911 or University Police and Public Safety
  - Tell the host of the event, and make sure they check in
  - Grab some friends and check in together
- Options to interrupt acts of bias
  - Tell a person in authority, like a manager, supervisor, RA, or party host
  - Ask a friend of the person making comments to get their friend to stop doing that
- Submit a report to <http://equity.psu.edu/reportbias>

Bystander intervention can also occur later by delaying the conversation to a later time when they are more willing to accept the interaction.

A great strategy for responding to acts of bias or to be proactive and interrupt rape culture includes the Breath of Fresh AIR strategy. This bystander intervention technique was created by Penn State's Gender Equity Center Associate Director Becca Geiger Wallen in 2019. This strategy helps you call in friends, colleagues, and coworkers who may be expressing acts of bias, microaggressions, and attitudes and beliefs which normalize sexual violence. It is all about giving the person a breath of fresh 'AIR' to realize how their comments, jokes, or thoughts were clouded by problematic thinking.

- Acknowledge their viewpoint/feelings.
- Call them out: "That's not cool." or "Did you just say that?"
- Explain how you can understand why they said or think something.
- Can even note you use to think like that or say that too but then you learned...
- Inform with facts or statistics.
- Let them know how a person with that identity may view their joke or comments.
- Provide them with factual information, dispelling the myth their viewpoint relies on.
- Reframe their perspective.
- This is where you can recommend a change in thoughts or an alternative action/statement.

You can use this strategy in the moment, or even follow up with the person afterwards if you want to have a conversation later. Further, all the steps do not have to happen at once. You can acknowledge something problematic was said in front of a group of peers, classmates, and/or colleagues, and then follow up later on a one-on-one with the inform and reframe pieces, so as to not call them out in front of everyone.

# 2. **Proactive Choices: Daily choices individuals can make that show others that violence and harm will not be tolerated on campus.**

No one can do everything, but everyone can do something. When enough people do things to show that they do not

tolerate violence and harm at Penn State, it will create an environment where fewer people are hurt.

- Educate yourself about sexual and relationship violence, and acts of bias
- Use social media to share content and educate others
- Make it the norm in your friend group to check in with each other
- Learn more about these issues by choosing the topic for a class project or requesting a program for a student organization meeting

#### **University-wide Programs: July 2022-June 2023**

*Interrupting sexual and relationship violence:*

*Provided 170 programs to 4,386 participants*

*Interrupting acts of bias and discrimination:*

*Provided 35 programs to 836 participants*

### **Crime Prevention and Safety Awareness Programs**

In an effort to promote safety awareness, University Police maintains a strong working relationship with the Penn State community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. If you or your organization would like to request a specific program, please visit <https://www.police.psu.edu/community-policing>. Programs below are available upon request at all campuses.

#### **Active Attacker Response Program**

An overview of the Run Hide Fight model for response to an active attacker.

#### **Alcohol Awareness**

An overview of the dangers of excessive and underage drinking and relevant Pennsylvania laws.

#### **Domestic Violence Awareness**

A review of signs of abuse along with support and resources for victims.

#### **Safety and Security for Office Personnel**

An overview of safety in the workplace, including guidance to deal with hostile individuals or an active attacker, along with theft prevention and other personal safety tips.

#### **Empowerment Self Defense**

A comprehensive, evidence-based, trauma-informed approach to resisting and preventing violence.

#### **Personal Safety and Awareness**

A 75-minute session that introduces key strategies for personal safety, including physical resistance strategies.

#### **Safe Walk Service**

The Safe Walk Program is designed to provide walking accompaniment for Penn State students, employees, and visitors who may feel unsafe walking alone on campus at night.

### **Who We Are and What We Do**

An overview of University Police and Public Safety programs and services.

#### **Drug Awareness**

An overview of the different types of commonly used drugs, their effects on the body, and resources available for treatment and support.

#### **Sexual Assault Awareness and Prevention**

With a focus on prevention, this program reviews sexual assault as it relates to Pennsylvania laws, the importance of consent, and resources and support for victims.

#### **Car Seat Safety Check (not available at all locations)**

Multiple Penn State police officers are nationally certified as Child Passenger Safety Technicians and conduct child safety seat inspections and assist with installations.

#### **Scamming and Phishing Safety**

An overview of common scams and phishing attempts, which includes tips on how to avoid becoming a victim and resources for victims.

#### **Nighttime Patrol Request**

If you are a Penn State employee who works on campus at night, you can request an officer walk through your area while you're working on campus. This service should not be used for immediate assistance or emergencies, instead call 911.

#### **Virtual Meeting Safety**

An overview of resources and tools available to help protect your virtual meetings.

***The frequency of programs is dependent on the needs and requests of the campus community.***

#### **Penn State Safe and Aware**

Penn State Safe and Aware is an online module that uses research-based strategies to educate students about alcohol and sexual misconduct. The module includes information on the effects of alcohol on the body and state laws and university policies related to alcohol consumption. Students learn about relationship violence, sexual assault, stalking and sexual harassment as well as the university policies and state laws for these issues. All incoming first-year students who are 21 and younger are required to complete the full module. Incoming first-year students who are 22 and over are required to complete the sexual misconduct section of the module. The module helps students develop practical skills to help keep themselves and their friends safe.

2022-2023: 9131 students from University Park and 6343 students from other campuses completed the alcohol section. 9190 students from University Park and 6507 students from other campuses completed the sexual misconduct section.

### **Blurred Lines/DUI Awareness**

This presentation covers Driving Under the Influence, including laws, detection, arrest procedures, and prosecution. Participants are able to observe officers demonstrate actual field sobriety tests that are given to intoxicated motorists in the course of the officer's duty.

### **Officer Interviews**

University Police and Public Safety members are available for interviews for individuals' writing papers, conducting research, or working on public safety-related projects. Appointments are preferred.

### **Operation ID/Engraving**

University Police provide engraving tools and instruction to persons interested in marking and identifying valuable items.

### **Theft Prevention**

Officers present information and precautions to be taken to minimize the risk of becoming the victim of theft.

### **Workplace Violence**

This program helps managers and supervisors assess employee potential for acting violently in the workplace.

## **CAMPUS SECURITY POLICIES**

### ***Behavioral Threat Management Team***

In order to enhance emergency preparedness and prevention efforts, Penn State has established a Behavioral Threat Management Team (BTMT). The objective of the BTMT is to systematically identify, evaluate, and manage potentially threatening situations, including persons of concern, at the University. The multidisciplinary team is composed of people from across the University. In addition to the BTMT at the University Park campus, each Commonwealth campus also has a team responsible for managing concerning situations on their respective campus. If you would like further information about the BTMT, please visit the Behavioral Threat Management website at <http://btmt.psu.edu>.

### ***Weapons Policy***

The possession, carrying, or use of weapons, ammunition, or explosives is prohibited on University-owned or -controlled property. ([Policy SY12](#))

The only exception to this policy is for authorized law enforcement officers or others specifically authorized by the University. At some campuses, University Police provide storage for personal weapons of students. Failure to comply

with the University weapons policy will result in disciplinary action against violators.

### ***Fire Safety***

Penn State takes fire safety very seriously and continues to enhance its safety programs to the University community through education, engineering, and enforcement. Educational programs are presented throughout the year to faculty, staff and students so they are aware of the rules and safe practices. Examples of these programs, which are available at all campus locations, include identification and prevention of fire hazards, building evacuation drills, specific occupant response to fire emergencies and hands-on use of fire extinguishers.

The University maintains all fire alarm and automatic fire suppression systems in an operable condition to ensure system readiness and proper operation in the event of a fire emergency.

In addition, building, research, laboratory safety and evacuation plans are also part of the Environmental Health and Safety mission. EHS is dedicated to maintaining the safety of our community by conducting inspections, building project reviews, research reviews, and evacuation drills in many campus facilities.

The University has adopted and developed numerous safety policies and guidelines to help promote a safe living and work environment at all University locations. These policies, guidelines and other fire safety information can be accessed on the Internet at <http://www.ehs.psu.edu>.

## ***Pennsylvania Crime Victim Rights***

### **Your Rights as a Crime Victim:**

As a victim of crime in the Commonwealth of Pennsylvania, you have rights. Also, you can expect to receive information, practical and emotional support, and be able to participate in the criminal justice process. These standards were created to make sure that you are treated with dignity and respect at all times, regardless of your gender, age, marital status, race, ethnic origin, sexual orientation, disability, or religion.

You have the right to be told...

- About basic services available to you in your county
- About certain court events, including information on bail, escape of offender, release of an offender
- About the details of the final disposition of a case

You have the right to receive...

- Notice of the arrest of the offender
- Information about restitution and assistance with compensation
- Accompaniment to all criminal proceedings by a family member, a victim advocate, or a support person

You have the right to provide input...



- Into the sentencing decision and to receive help in preparing an oral and/or written victim impact statement
- Into post-sentencing decisions

Please see the resource list for local victim assistance options.

For more information about your detailed rights or to file a complaint if you believe your rights have been violated, please contact: The Pennsylvania Crime Victims Office at <http://pcv.pccd.pa.gov/Pages/default.aspx#.VaaMafn17OQ>.

\*Source: Pennsylvania Crime Victims (2015). "Your Rights as a Victim" at <https://pcv.pccd.pa.gov/for-victims/Pages/Your-Rights-as-a-Victim.aspx>.

## Anti-Hazing Policy

The Pennsylvania State University does not tolerate hazing. Hazing is prohibited for any University recognized or sanctioned organization, student, or other person associated with an organization operating under the sanction of or recognized by the University. Organizations or individuals found responsible for hazing under this Policy, whether occurring on or off campus, may be subject to disciplinary action by the University, and may also face criminal charges under state law, including The Timothy J. Piazza Antihazing Law, 18. Pa. C.S. § 2801, et seq.

For the purposes of this Policy, it shall not be a defense that the consent of the minor or student was sought or obtained or that the conduct was sanctioned or approved by the organization.

**Hazing** is defined as when a person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:

1. Violate Federal, State, or Municipal law or University policy or procedure;
2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm;
3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements;
4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
5. Endure brutality of a sexual nature;
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

Hazing shall NOT include reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

**Aggravated Hazing** is defined as when a person commits a violation of hazing that results in serious bodily injury or death to the minor or student; and

1. the person acts with reckless indifference to the health and safety of the minor or students; or
2. the person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student.

**Organizational Hazing** is defined as when an organization intentionally, knowingly or recklessly promotes or facilitates a violation of hazing or aggravated Hazing.

## Reporting Violations of Hazing

The University strongly encourages all members of the University community who believe they have witnessed, experienced, or are aware of conduct that constitutes hazing to report the conduct to the Office of Ethics and Compliance, the Office of Student Accountability & Conflict Response, Human Resources, and/or the appropriate police agency. Anonymous reports may also be submitted. This Policy and reports made pursuant to this Policy do not supersede or replace other reporting obligations mandated by law or University policy (e.g., University Policy AD 72, Reporting Suspected Child Abuse and University Policy AD 85, Title IX Sexual Harassment).

### For any hazing related concerns:

Office of Ethics and Compliance  
Rider Building, 227 West Beaver Ave, Suite 212,  
State College, PA 16801

Penn State Hotline: 1-800-560-1637 Available 24/7

Phone: 814-867-5088

Email: [psoc@psu.edu](mailto:psoc@psu.edu)

Website: <https://universityethics.psu.edu>

### For concerns related to students and/or student organizations:

Office of Student Accountability & Conflict Response

120 Boucke Building University Park, PA 16802

Phone: 814-863-0342

Online Report:

[cm.maxient.com/reportingform.php?PennState&layout\\_id=0](http://cm.maxient.com/reportingform.php?PennState&layout_id=0)

Email: [studentconduct@psu.edu](mailto:studentconduct@psu.edu)

Website: <http://studentaffairs.psu.edu/conduct>

Reports may also be submitted to the Director of Student Affairs (or equivalent) at each Commonwealth Campus.

### For concerns related to employees:

PSU Human Resources – Labor and Employee Relations

The 331 Building, University Park, PA 16802

Phone: 814-867-0041

## Enforcement

Reported allegations of hazing will be investigated by the University, or other appropriate investigating agencies, and, if violations are found, individuals and organizations will be held accountable by the relevant University entity that has

authority over the individual (e.g., Office of Student Accountability & Conflict Response or University /Unit Leadership).

Violations may result in disciplinary actions for individuals or organizations, which can include, but are not limited to, written warnings, probation, fines, loss of privileges, loss of recognition, mandatory training or education, loss of salary increase, administrative leave, suspension, expulsion, revocation of tenure, discontinued participation in youth programming allegations have been satisfactorily resolved and/or termination of employment. Such penalties shall be in addition to any other penalties imposed for violating state criminal law or any other University rule or policy.

## University Report

The University will maintain a report of all violations of this Policy, or of Federal or State laws related to hazing that are reported to the University for the five (5) previous consecutive years. The University will update the report biannually on January 1st and August 1st and will publish the report on the Office of Ethics and Compliance website (<https://universityethics.psu.edu/>).

## Student Accountability

### The Office of Student Accountability & Conflict Response

In line with the Penn State mission and values, the Office of Student Accountability and Conflict Response works to uphold these community and university standards through compassionate interventions in which students are heard, respected, and treated with dignity. These students, including student organizations leaders, have the developmental opportunity to participate in fair and impartial resolution processes which encourage personal accountability and responsible decision making; promote reflection and restoration; and reduce and prevent behavior which undermines student success and community safety.

### The Student Code of Conduct

The Student Code of Conduct ("Code") sets forth the community standards and procedures that maintain and protect an environment that is conducive to learning and supports Penn State's educational objectives.

The Code applies to all activities on University Premises or University-support virtual platforms, and during any University Sponsored Activity, including Student Organization events and activities, regardless of location. The University may apply the Code to behavior which occurs elsewhere when the University can demonstrate a clear and distinct interest as an academic institution regardless of where the conduct occurs, and which:

- Causes substantial disruption to the University community or any of its members,
- Involves academic work or any University records, documents, or identifications,
- Seriously threatens the health or safety of any person, or
- Constitutes a violation of local, state, or federal law.

Students or student organizations who are found in violation of a Code violation(s) may be subject to administrative sanctions ranging from Formal Warning or Conduct Probation to Suspension or Expulsion from the University. In addition, other administrative sanctions may include exclusion, housing reassignment, loss of housing, and/or loss of privileges.

Typically, educational, reflective, and/or restorative outcomes will also be assigned to promote reflection and growth, repair any harm caused, and to help the student or student organization recommit to institutional values.

### Interim Action

The Office of Student Accountability & Conflict Response may impose an interim action(s) regarding a Student or Student Organization when, in the professional judgment of the Senior Director or designee, it is necessary to address a threat to health or safety of any person, a threat to property, or a disruption or interference with the normal operations of the University, or when the Student is arrested for and/or charged with a serious violation of state or federal law.

### Conduct Review

The Office of Student Accountability & Conflict Response is also responsible for conducting pre-enrollment, re-enrollment, and continuing enrollment reviews for prospective, returning or current students. Any individual may submit reports alleging student misconduct to the Office of Accountability & Conflict Response or the OSACR designee at the campus where the incident occurred.

### Additional Information Regarding the Student Code of Conduct

The Pennsylvania State University is obligated to provide all students and organizations with the University regulations, policies, and procedures governing student and organization conduct. Penn State policies and procedures, including the Student Code of Conduct and relevant written procedures, are published on the Student Accountability website: <https://studentaffairs.psu.edu/student-accountability>.

If you have additional questions or wish to request a hard copy of this information, or require reasonable accommodation due to a documented disability, please contact the Office of Student Accountability & Conflict Response at University Park.

## Parental and/or Guardian Notification Policy

Under the Family Educational Rights and Privacy Act (FERPA), colleges and universities are afforded certain liberties relative to notifying parents or guardians of information concerning their student. In order to involve families in the total educational experience of the student and to facilitate communication between students and their parents/legal guardians, the Office of Student Accountability & Conflict Response has established a parental and/or guardian notification and disclosure policy.

The goals of this policy are:

- To clarify when notification and/or disclosure may be appropriate.
- To partner with families in support of their student.
- To identify additional supportive points of intervention for students.

This policy does not restrict or limit the University's discretion to make any notifications and disclosures which are permitted by FERPA. For more information about this policy, please review: <https://studentaffairs.psu.edu/student-accountability/resources-and-faqs/information-families>.

## **Missing Student Policy**

Effective August 14, 2008, the Higher Education Opportunity Act of 2008 requires any institution participating in a Title IV federal student financial aid program that maintains on campus housing facilities to establish a missing student notification policy and related procedures (20 USC 1092(j) Section 488 of the Higher Education Opportunity Act of 2008) for students living in on campus housing. The following policy and related procedures are Penn State University's official Missing Student Policy.

### **DEFINITIONS:**

**Student** – The University defines a student as any person enrolled in any class or program of the University, full or part time.

**Emancipated Individual** – A person less than 18 years of age who has been declared by a court to be independent of their parents.

**AVP** – For this policy, "AVP" refers to an Assistant Vice President for Student Affairs assigned to respond to student emergencies.

### **POLICY:**

The Pennsylvania State University will provide every student living in on campus student housing the opportunity and means to identify a missing student contact to be used in the event the student is reported missing. Missing student contact information will be registered confidentially and will be accessible only to authorized University officials and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

In accordance with the procedures established within this policy, within 24 hours after a student living in on campus student housing has been reported missing and the student is not known to have returned to the University or otherwise been located, the AVP or their designee will notify the individual the student has designated as their missing person contact. If the missing student is under 18 years of age and not an emancipated individual, the AVP or their designee will also notify the student's custodial parent or guardian.

Students will be notified annually that each residential student at the University has the option to confidentially designate an individual to be contacted by the Penn State administration no later than 24 hours after the time that it is determined the student is missing. Penn State provides

each student with the means and opportunity to register their confidential missing student contact information by logging into the University's LionPATH system and filling out the Address and Contact Information. This confidential missing student contact can be anyone. This option is provided to students even if a student has already registered an individual as a general emergency contact. The student also has the option to identify the same individual for both their general emergency contact and missing student contact.

University Police shall investigate all reports of missing students and will notify and cooperate with other law enforcement agencies, as necessary, to further the investigation.

### **PROCEDURES:**

Any individual who believes a student living in on campus student housing may be missing should immediately contact University Police. University Police may notify the AVP upon receipt of a missing student report. When receiving such report, both the AVP and University Police will attempt to determine whether the student is, in fact, missing. Among other steps that may be taken depending on the circumstances:

- AVP or their designee will attempt to contact the student through all reasonable and available means.
- University Police will investigate the validity of the missing person report and manage the information according to its established investigative standards.
- University Police may notify appropriate University personnel and seek their aid in the investigation (e.g. Student Affairs, Residence Life, Counseling and Psychological Services, etc.)
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, University Police will notify local law enforcement agencies within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.
- If, within 24 hours of the report, University Police is unable to locate the missing student and the student is not known to have returned to the University or otherwise located, University Police will notify the AVP and he/she or their designee will take the following action(s):
  - The AVP or their designee will promptly notify the individual the student has designated as their missing person contact and document the date and time of the notification.
  - If the missing student is under 18 years of age and not an emancipated individual, the AVP or their designee will also notify the student's custodial parent or guardian and document the date and time of the notification.

University Police and the AVP will coordinate their efforts to locate the missing student. The AVP will notify the Vice President of Student Affairs and update him/her on the status of the investigation as appropriate.



When the missing student is located, the AVP or their designee will contact the student to offer any appropriate support, as well as the emergency contacts and/or parents to confirm the student has been located.

If the initial investigation is unsuccessful in locating the missing student, University Police will continue to investigate according to established police procedures. The AVP will decide what further action, if any, should be taken by the Office of Student Affairs.

#### **FURTHER INFORMATION:**

While this policy applies only to students living in on campus student housing, reports of students missing from off-campus residences will be referred to the police department having jurisdiction over the student's local residence, if known, or the student's permanent residence if a local residence cannot be determined, and the University will cooperate within its legal limitations with any subsequent investigation.

The Missing Student Policy, SY42, can be found at: <https://policy.psu.edu/policies/sy42>.

## **UNIVERSITY CONTACT FOR MISSING STUDENTS**

### **Penn State Wilkes-Barre**

Director of Student Services and Engagement  
Hayfield House 101  
44 University Dr.  
Dallas, PA 18612  
570-675-9225

University Police and Public Safety  
Nittany Courts E-F  
Dallas, PA 18612

### ***Daily Crime Log***

University Police and Public Safety (UPPS) maintains a combined Daily Crime, fire, and valid complaint log of all incidents reported to them. Each day a log is published which identifies the type, general location, date and time reported, date and time occurred and current disposition, if known, of each incident reported to UPPS. Local news media may contact UPPS to acquire information from this log. Information deemed newsworthy may be published by the news media. The Daily Log for the most current 60 days is available for viewing during regular business hours at the University Police and Public Safety Office on campus. Any portion of the Daily Log for incidents older than 60 days will be made available for public inspection within two business days of a request.

## **PENN STATE UNIVERSITY POLICIES GOVERNING ALCOHOL AND OTHER DRUGS**

### ***Penn State's Alcohol and Drug Policy***

Federal law requires Penn State to notify all faculty, staff, and students of certain information pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol on its property or as part of its activities. The information included in this report complies with the notification requirements of the Drug-Free Schools and Communities Act and its implementing regulations.

The possession, use, distribution and sale of alcoholic beverages is prohibited upon the property of The Pennsylvania University unless specifically authorized in accordance with Policy AD18, Possession, Use and Distribution of Alcoholic Beverages (<https://policy.psu.edu/policies/ad18>). Where such possession, use, distribution and/or sale is authorized, strict compliance with the laws of the Commonwealth of Pennsylvania is required.

AD18 includes information about how a sponsoring academic or administrative department, group or unit may seek permission to have alcoholic beverages at a University-sponsored event. The University's Authorizing Officials are 1) The Chief Risk Officer (for University Park requests); 2) Dean of the College of Medicine; and 3) the Chancellor of Commonwealth campus (for campus requests). The Chief Risk Officer has final review and approval.

AD18 specifies that the following parameters apply to any event occurring on University property or at any University-sponsored event occurring at another location: 1) persons under the age of 21 years may not purchase, consume, possess or be served alcoholic beverages. It is the responsibility of the person(s) distributing alcoholic beverages to determine the age of the recipient; 2) no alcoholic beverages may be furnished to a person who appears to be intoxicated; 3) non-alcoholic beverage alternatives must be available at all events; 4) alcoholic beverages should not be served or ordered prior to 3:00 pm on a business day (Monday-Friday).

For students, the possession or use of alcoholic beverages is prohibited in all University housing for students of any age.

### ***Policies Specific to Faculty and Staff***

As a condition of University employment, every employee shall abide by the terms of AD33 A Drug-Free Workplace. Under AD33, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on property owned, leased or controlled by the University and used in the performance of University services are prohibited. Any employee who violates this policy is subject to Penn State sanctions, including dismissal, as well as criminal sanctions provided by federal, state, or local law. An employee may be required to participate in a drug abuse

or drug rehabilitation program. An employee must notify their supervisor of any criminal drug conviction for a violation occurring in the University workplace no later than five (5) days after such conviction. Please consult Policy AD33, A Drug-Free Workplace for more information (<https://policy.psu.edu/policies/ad33>).

## Policies Specific to Penn State Students

Any student who violates the University's alcohol and drug policy is subject to disciplinary action including sanctions as outlined in the Student Code of Conduct in addition to any penalties resulting from violating local, state, and/or federal law. Students who are found responsible for violations may be subject to sanctions ranging from Formal Warning or Conduct Probation to Suspension or Expulsion from the University. Students residing in University housing may also lose the privilege of living on campus for violating University rules and regulations or conditions of the housing contract. In most cases, the Office of Student Accountability & Conflict Response will also assign educational, reflective, and/or restorative outcomes intended to promote reflection and growth, repair any harm caused, and help the student recommit to institutional values.

Penn State students who have a first-time alcohol violation on or off campus or an alcohol-related visit to the emergency department at Mt. Nittany Medical Center are required to complete the BASICS (Brief Alcohol Screening and Intervention for College Students) program administered by Health Promotion and Wellness. Students who are sanctioned by Penn State's Office of Student Accountability & Conflict Response and Residence Life are required to pay a \$250 fee.

## Alcohol Poisoning is a Medical Emergency.

*Call for help. You could save someone's life.*

**CALL 911**

### Know the signs:

- Passed out or difficult to wake
- Cold, clammy, pale, or bluish skin
- Slowed breathing
- Vomiting while asleep or awake

### Know how to help:

- Turn a vomiting person on their side to prevent choking
- Clear vomit from the mouth
- Keep the person awake
- NEVER leave the person unattended

## Penn State's Smoking and Tobacco Policy

Smoking and the use of tobacco are prohibited in and on all University owned or leased properties, facilities, and vehicles. The policy includes all University locations. Smoking includes the burning of any type of lit pipe, cigar,

cigarette, or any other smoking equipment, whether filled with tobacco or any other type of material. Tobacco is defined as all tobacco-derived or containing products, including and not limited to cigarettes (e.g., clove, bidis, kreteks, electronic cigarettes, cigars and cigarillos), hookah smoked products, pipes and oral tobacco (e.g., spit and spitless, smokeless, chew, snuff) and nasal tobacco. It also includes any product intended to mimic tobacco products, contain tobacco flavoring or deliver nicotine. Products approved by the U.S. Food and Drug Administration, when used for cessation, are not considered tobacco under this policy. Please consult Policy AD32, Smoking and Tobacco Policy (<https://policy.psu.edu/policies/ad32>) for more information.

## Pennsylvania Alcohol-Related Offenses Pennsylvania's Medical Amnesty Law

Pennsylvania law provides immunity from prosecution for underage drinking and/or hazing for an individual who seeks help for a friend who has a medical emergency due to underage alcohol consumption or hazing. The immunity also applies to the friend for whom medical assistance was sought. When a person is in violation of underage drinking or hazing laws and calls 911 to get help for a peer who needs immediate medical attention due to excessive alcohol consumption or hazing, the caller and the peer for whom assistance was sought will not be charged with underage drinking or hazing as long as that person's phone call was the only way law enforcement found out about that person's underage drinking, the caller reasonably believed they were the first to call and report the emergency, the person correctly identified themselves by name when reporting the emergency, and the person remained with the individual needing medical assistance until emergency services arrived. If you comply with the requirements of the medical amnesty law, you cannot be charged with underage drinking. You could still be charged with other offenses, such as public drunkenness.

## Penn State's Responsible Action Protocol

A student who acts responsibly by notifying the appropriate authorities (e.g., calling 911, contacting police) AND meets one or more of the following criteria typically will not face University conduct action for their own use or possession of alcohol or drugs. However, the student will be required to attend an approved alcohol or drug education program, such as BASICS or the Marijuana Intervention Program (MIP); the fee will be waived. When the student's behavior involves other Code of Conduct violations, (e.g., vandalism, assault, furnishing to minors) the additional behavior may be subject to disciplinary action. If a student exhibits a pattern of problematic behavior with alcohol or drugs, that student may be subject to formal disciplinary action.

The criteria which invoke the Protocol are:

- A student seeking medical assistance for themselves when experiencing an alcohol or drug overdose or related problems.
- A student seeking medical assistance for a peer suffering from an alcohol or drug overdose or related

problems and remains with the peer until appropriate authorities arrive.

- A student suffering from an alcohol or drug overdose or related problems, for whom another student seeks assistance and remains with the peer until appropriate authorities arrive, will also not be subject to disciplinary action for alcohol violations.

## Underage Drinking

It is illegal for anyone under 21 years of age to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor, malt, or brewed beverage. It is also illegal to lie about age to obtain alcohol and to carry a false identification card.

| Penalty | 1st Offense | 2nd Offense | Subsequent Offense |
|---------|-------------|-------------|--------------------|
| Fine    | 0–\$500     | 0–\$1,000   | 0–\$1,000          |
| Jail    | 0–90 days   | 0–90 days   | 0–90 days          |

By law, the local police department and University Police are required to notify parents or guardians of all underage-drinking violations.

Penn State University has a zero-tolerance policy associated with students consuming beverage alcohol under the age of 21. Not only is this against the Pennsylvania law, it is also a violation of the Student Code of Conduct.

## Carrying False I.D.

It is illegal for anyone under 21 to possess an identification card falsely identifying that person by name, age, date of birth, or photograph as being 21 or older to attempt to obtain liquor, malt, or brewed beverage by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of the person who possesses the card.

| Penalty | 1st Offense | 2nd Offense | Subsequent Offense |
|---------|-------------|-------------|--------------------|
| Fine    | 0–\$300     | 0–\$500     | 0–\$500            |
| Jail    | 0–90 days   | 0–1 year    | 0–1 year           |

## Public Drunkenness

Public drunkenness is a crime when a person appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that the person may endanger themselves or other persons or property, or annoy persons in their vicinity.

Public drunkenness also leads to other behaviors and important health concerns. Often, public drunkenness contributes to many criminal mischiefs and disorderly conducts on campus. People must be responsible for their

own actions and know their limits and tolerance levels before consuming alcohol.

| Penalty | 1st Offense | 2nd Offense | Subsequent Offense |
|---------|-------------|-------------|--------------------|
| Fine    | 0–\$500     | 0–\$1,000   | 0–\$1,000          |
| Jail    | 0–90 days   | 0–90 days   | 0–90 days          |

## Driving Under the Influence (DUI) Law

In Pennsylvania, the illegal level for DUI is 0.08 percent Blood Alcohol Content (BAC) and 0.02 percent BAC for minors. The law emphasizes treatment and a three-tier penalty system based on BAC and prior offenses: (1) general impairment (.08-.099 percent), (2) high rate of alcohol (.10-.159 percent), and (3) highest rate of alcohol (.16 percent and above).

Also, drivers with any amount of a Schedule I, II, or III controlled substance not medically prescribed (or their metabolites) may not drive, operate, or be in actual physical control of a vehicle.

It is illegal for anyone under 21 years of age to drive a vehicle with a blood alcohol content of 0.02 percent or higher. A first-time offense individual, under certain circumstances, may qualify for an Accelerated Rehabilitative Disposition (ARD) program.

| Penalty <sup>1</sup> | 1st Offense  | 2nd Offense  | 3rd Offense  |
|----------------------|--|--|--|
| Fine                 | \$500–\$5,000  | \$750–\$5,000  | \$1,500–\$10,000                                       |
| Jail                 | 2 days–6 months  | 30 days–6 months   | 90 days–5 years  |
| License Suspension   | 1 year   | 1 year   | 18 months  |
| Other                | Alcohol Highway Safety School Court Reporting Network file | Alcohol Highway Safety School Court Reporting Network file | Drug & Alcohol Evaluation Court Reporting Network file |

<sup>1</sup> Penalties differ based on age, blood alcohol content, and other factors.

## Selling or Furnishing Alcohol to Minors

| Penalty | 1st Offense     | 2nd and Subsequent Offenses |
|---------|-----------------|-----------------------------|
| Fine    | \$1,000–\$2,500 | \$2,500                     |
| Jail    | 0–1 year        | 0–1 year                    |

For more information about all alcohol-related offenses and resources in Pennsylvania, see [www.lcb.state.pa.us/](http://www.lcb.state.pa.us/).



Open Container Law

In Pennsylvania, there is no state law to prohibit open containers of alcohol in public. However, many local governments have enacted such ordinances. For more information about all alcohol-related offenses in Pennsylvania, see [www.lcb.state.pa.us](http://www.lcb.state.pa.us).

Related Drug Offenses

Possession of Marijuana

It is unlawful for a person to knowingly or intentionally possess marijuana, a Schedule I substance.

Persons engaged in such activity will most likely be faced with criminal charges and charged with a violation of the Student Code of Conduct. The charges for marijuana possession include:

| Quantity         | Charge      | Jail Time | Fine      |
|------------------|-------------|-----------|-----------|
| 30 grams or less | Misdemeanor | 30 days   | 0–\$500   |
| Over 30 grams    | Misdemeanor | 1 year    | 0–\$5,000 |

Pennsylvania’s Medical Marijuana Act

Pennsylvania’s Medical Marijuana Act went into effect on May 17, 2016. Recreational marijuana/cannabis and non-FDA approved medical marijuana/cannabis products remain prohibited controlled substances under federal law, and therefore the possession, cultivation, and use by individuals remain illegal under federal law. The Pennsylvania Medical Marijuana Act conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. Penn State receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. The use, possession, and distribution of cannabis continues to violate applicable University policies. This includes medical marijuana (or medicinal cannabis) and synthetically-derived cannabis products such as Delta-8 and Delta-10. FDA approved drugs (e.g., Marinol®, Syndros®, Epidolex®) are permitted with a valid prescription. Any student or employee who violates such policies may be subject to disciplinary action.

Possession of Other Drugs

In Pennsylvania, the penalties for being convicted of possession of a controlled substance such as heroin, cocaine, methamphetamines, prescriptions, ecstasy, and LSD are up to one year in jail and a \$5,000 fine for a first offense, and up to three years in jail and a \$25,000 fine for any subsequent offense.

Possession of Drug Paraphernalia

It is unlawful for a person to use or possess, with the intent to use, drug paraphernalia that is used for packaging, manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

Synthetic Marijuana

Effective March 1, 2011, the U.S. Drug Enforcement Agency classified synthetic marijuana as an illegal substance. It is also known as Spice, K2, Demon, Wicked, Black Magic, Voodoo Spice, and Ninja Aroma Plus. Individuals found responsible for manufacturing, possessing, importing/exporting, or distributing these substances will face criminal and civil penalties. Penn State students engaging in these activities will also be held responsible under the University’s illegal substances policy. It is also against University policy to use synthetic marijuana.

**Controlled Substances Act** — The Controlled Substances Act places all substances that are regulated under existing federal law into one of five schedules. The place is based on the substance’s medical use, potential for abuse, and safety or dependence ability. Below is a description of the five schedules and examples of drugs in each schedule. The list is not comprehensive.

| Schedule     | Characteristics  | Examples  |
|--------------|--|---|
| Schedule I   | <ul style="list-style-type: none"> <li>•high potential for abuse</li> <li>•no currently accepted medical use in US</li> <li>•lack of accepted safety for use under medical supervision</li> </ul>  | <ul style="list-style-type: none"> <li>•Heroin</li> <li>•Gamma Hydroxybutyric Acid (GHB)</li> <li>•LSD</li> <li>•Marijuana</li> <li>•MDMA (Ecstasy)</li> <li>•Mescaline (peyote)</li> <li>•Psilocybin/Psilocyn (mushrooms)</li> <li>•Tetrahydrocannabinols (THC)</li> <li>•Delta-8 THC</li> </ul> |
| Schedule II  | <ul style="list-style-type: none"> <li>•high potential for abuse</li> <li>•currently accepted for medical use or with severe restrictions in US</li> <li>•abuse may lead to severe psychological or physical dependence</li> </ul>                               | <ul style="list-style-type: none"> <li>•Adderall®</li> <li>•Amphetamine</li> <li>•Cocaine</li> <li>•Fentanyl</li> <li>•Hydrocodone</li> <li>•Methadone</li> <li>•Methamphetamine</li> <li>•Morphine</li> <li>•Oxycodone</li> <li>•Phencyclidine (PCP)</li> <li>•Ritalin®</li> </ul>               |
| Schedule III | <ul style="list-style-type: none"> <li>•less potential for abuse than drugs in Schedules I and II</li> <li>•currently accepted for medical use in US</li> <li>•abuse may lead to moderate or low physical dependence or high psychological dependence</li> </ul> | <ul style="list-style-type: none"> <li>•Anabolic Steroids</li> <li>•Codeine compounds</li> <li>•Some barbiturates</li> <li>•Ketamine</li> </ul>   |
| Schedule IV  | <ul style="list-style-type: none"> <li>•low potential for abuse compared to drugs in Schedule III</li> <li>•currently accepted medical use in US</li> <li>•abuse may lead to limited physical dependence or psychological dependence</li> </ul>                  | <ul style="list-style-type: none"> <li>•Ativan®</li> <li>•Rohypnol®(not manufactured or legally marketed in the US)</li> <li>•Valium®</li> <li>•Xanax®</li> </ul>   |
| Schedule V   | <ul style="list-style-type: none"> <li>•low potential for abuse compared to drugs in Schedule IV</li> <li>•currently accepted medical use in US</li> <li>•abuse may lead to limited physical dependence or psychological dependence</li> </ul>                   | <ul style="list-style-type: none"> <li>•Cough medicines with codeine</li> </ul>   |

Source: U.S. Department of Justice. (2022). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

## Federal Tracking Penalties — Marijuana

| Drug                     | Quantity  | 1st Offense  | 2nd Offense*  |
|--------------------------|---|--|---|
| Marijuana (Schedule I)   | 1,000 kg or more mixture; or 1,000 or more plants   | <ul style="list-style-type: none"> <li>•Not less than 10 yrs, not more than life</li> <li>•If death or serious injury, not less than 20 yrs, or more than life</li> <li>•Fine not more than \$10 million if an individual, \$50 million if other than an individual</li> </ul> | <ul style="list-style-type: none"> <li>•Not less than 20 yrs, not more than life</li> <li>•If death or serious injury, mandatory life</li> <li>•Fine not more than \$20 million if an individual, \$75 million if other than an individual</li> </ul>   |
| Marijuana (Schedule I)   | 100 kg to 999 kg mixture; or 100 to 999 plants  | <ul style="list-style-type: none"> <li>•Not less than 5 yrs, not more than 40 yrs</li> <li>•If death or serious injury, not less than 20 yrs, or more than life</li> <li>•Fine not more than \$5 million if an individual, \$25 million if other than an individual</li> </ul> | <ul style="list-style-type: none"> <li>•Not less than 10 years, not more than life</li> <li>•If death or serious injury, mandatory life</li> <li>•Fine not more than \$20 million if an individual, \$75 million if other than an individual</li> </ul> |
| Marijuana (Schedule I)   | More than 10 kgs hashish; 50 to 99 kg mixture<br>More than 1 kg of hashish oil; 50 to 99 plants | <ul style="list-style-type: none"> <li>•Not more than 20 yrs</li> <li>•If death or serious injury, not less than 20 yrs, or more than life</li> <li>•Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>                                     | <ul style="list-style-type: none"> <li>•Not less than 30 years</li> <li>•If death or serious injury, life imprisonment</li> <li>•Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>                                    |
| Marijuana (Schedule I)   | 1 to 49 plants; less than 50 kg   | <ul style="list-style-type: none"> <li>•Not less than 5 years</li> <li>•Fine not more than \$250,000, \$1 million other than individual</li> </ul>   | <ul style="list-style-type: none"> <li>•Not less than 10 years</li> <li>•Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>   |
| Hashish (Schedule I)     | 10 kg or less   |  |   |
| Hashish Oil (Schedule I) | 1 kg or less  |  |   |

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

Source: U.S. Department of Justice. (2022). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

## Federal Tracking Penalties

| Drug Schedule  | Quantity                              | Penalties   | Quantity                                       | Penalties   |
|--|---------------------------------------|---|--|---|
| Cocaine (Schedule II)  | 500–4999 gms mixture                  | <p>First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p>Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual</p> | 5 kgs or more mixture                          | <p>First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> |
| Cocaine Base (Schedule II)   | 28–279 gms mixture                    |   | 280 gms or more mixture                        |   |
| Fentanyl (Schedule II)   | 40–399 gms mixture                    |   | 400 gms or more mixture                        |   |
| Fentanyl Analogue (Schedule I)   | 10–99 gms mixture                     |   | 100 gms or more mixture                        | <p>Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>                 |
| Heroin (Schedule I)  | 100–999 gms mixture                   |   | 1 kg or more mixture                           |   |
| LSD (Schedule I)   | 1–9 gms mixture                       |   | 10 gms or more mixture                         | <p>2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>   |
| Methamphetamine (Schedule II)  | 5–49 gms pure or 50–499 gms mixture   |   | 50 gms or more pure or 500 gms or more mixture |   |
| PCP (Schedule II)  | 10–99 gms pure or 100–999 gms mixture |   | 100 gm or more pure or 1 kg or more mixture    |   |
| Penalties  |                                       |   |  |   |
| Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutric Acid) | Any amount                            | <p>First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.</p>   |  |   |
| Flunitrazepam (Schedule IV)  | 1 gm                                  |   |  |   |
| Other Schedule III drugs   | Any amount                            | <p>First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.</p>  |  |   |
| All other Schedule IV drugs  | Any amount                            | <p>First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.</p>   |  |   |
| Flunitrazepam (Schedule IV)  | Other than 1 gm or more               |   |  |   |
| All Schedule V drugs   | Any amount                            | <p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.</p>   |  |   |

Source: U.S. Department of Justice. (2022). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

## Mixing alcohol with other drugs is harmful to your health.

| DRUG                                       | EFFECTS WHEN MIXED WITH ALCOHOL  |
|--|--|
| <b>Cannabis</b>                            | Impaired coordination impaired judgement, reduced reaction time, confusion, difficulty concentrating   |
| <b>Xanax or other anxiety medications</b>  | Drowsiness, dizziness, increased risk for overdose, slowed or difficulty breathing, impaired coordination, unusual behavior, memory problems |
| <b>Adderall and other ADHD medications</b> | Dizziness, drowsiness, impaired concentration, possible risk of heart problems, liver damage   |
| <b>Depression medications</b>              | Drowsiness, dizziness, increased risk for overdose, increased feelings of depression or hopelessness, impaired coordination, liver damage    |
| <b>Over the counter pain relievers</b>     | Upset stomach, stomach and intestinal bleeding, ulcers, liver damage, rapid heartbeat  |

Sources: National Institute on Alcohol Abuse and Alcoholism, Harmful interactions: Mixing alcohol with medications, November 2020.; Addictions, Drug & Alcohol Institute, University of Washington, Learn about marijuana. 2020; National Institute on Alcohol Abuse and Alcoholism, Rethinking drinking.



## Health Risks and Consequences

|                      | EFFECT ON THE MIND  | EFFECT ON BODY  | OVERDOSE  | POTENTIAL FOR DEPENDENCE | EXAMPLES   |
|----------------------|---|---|---|--------------------------|--|
| <b>ALCOHOL</b>       | Impairs coordination, judgment, reasoning, and memory.  | Slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing. | Mental confusion, stupor, coma, or inability to wake up, vomiting, seizures, slow breathing (fewer than 8 breaths per minute), irregular breathing (10 seconds or more between breaths), hypothermia (low body temperature), bluish skin color, paleness. | Yes                      | Types: Beer, wine, liquor, and malt liquor   |
| <b>DEPRESSANTS</b>   | Impairs memory, judgment, coordination, and can cause confusion; may induce sleep, relieve anxiety and muscle spasms, and prevent seizures.   | Slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing. | Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death.   | Yes                      | Rx: Valium, Xanax, Halcion, Ativan, Klonopin, Restoril, Lunesta, Ambien, and Sonata<br>Non-Rx: GHB, Rohypnol (Roofies) |
| <b>HALLUCINOGENS</b> | Distortions of thought associated with time and space, confusion, anxiety, depression, paranoia, sleep problems.  | Elevated heart rate, increased blood pressure, sweating, loss of appetite, tremors, sleeplessness, dilated pupils, impaired motor coordination.                         | Respiratory depression, coma, convulsions, seizures, and death due to respiratory arrest. LSD and shrooms: death due to suicide, accidents, and dangerous behavior.   | Yes                      | Rx: N/A<br>Non-Rx: MDMA, ecstasy, LSD, acid, shrooms, PCP, ketamine  |
| <b>INHALANTS</b>     | Damages area of the brain responsible for thinking, moving, seeing, and hearing. Cognitive abnormalities range from mild impairment to severe dementia.   | Slurred speech, loss of motor coordination, euphoria, slowed bodily functions, slight stimulation, loss of inhibition, loss of consciousness.                           | Loss of consciousness and/or death, "Sudden sniffing death," Asphyxiation.  | Yes                      | Names/Forms: Huff, Whippets, butane, aerosols  |
| <b>MARIJUANA</b>     | Problems with memory and learning, distorted perception, difficulty in thinking and problem-solving, and loss of coordination.  | Sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and decreased blood pressure.  | No deaths from overdose of marijuana have been reported.  | Yes                      | Names/Forms: cannabis, weed, hash, 710 (oil), wax, budder, shatter   |
| <b>OPIOIDS</b>       | When appropriately prescribed reduce tension and pain, anxiety, and aggression.<br><br>Unwanted effects include drowsiness, inability to concentrate, and apathy.   | Slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing.                              | Constricted (pinpoint) pupils, cold clammy skin, confusion, convulsions, extreme drowsiness, slowed breathing, coma, and respiratory failure.   | Yes                      | Rx: OxyContin, Vicodin, codeine, morphine, methadone, and fentanyl<br><br>Non-Rx: Heroin                               |
| <b>STIMULANTS</b>    | Produce a sense of exhilaration, enhance self-esteem, improve mental and physical performance, increase activity, reduce appetite, extend wakefulness for prolonged period, and "get high". Chronic, high-dose use results in agitation, hostility, panic, aggression, and suicidal or homicidal tendencies. Paranoia may also occur. | Dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.   | High fever, convulsions, and cardiovascular collapse.   | Yes                      | Rx: Adderall, Concerta, Ritalin<br><br>Non-Rx: Cocaine, methamphetamine  |
| <b>TOBACCO</b>       | Increases dopamine, stimulates the Central Nervous System.  | Increased blood pressure, breathing and heart rate, chronic bronchitis, cancer, heart disease.  | Nicotine poisoning, difficulty breathing, vomiting, fainting, headache, weakness and increased or decreased heart rate, possible death.   | Yes                      | Forms: Cigarettes, cigars, bidis, smokeless tobacco, Nicotine  |

Drug Enforcement Agency. (2022). Drugs of abuse: A DEA resource guide. Retrieved from <https://www.dea.gov/documents/2020/04/13/drugs-abuse>  
National Institute on Alcohol Abuse and Alcoholism [NIAAA]. (2015). Beyond hangovers: Understanding alcohol's impact on your health. Retrieved from <https://www.niaaa.nih.gov/alcohol-health/alphabets-effects-body>  
NIAAA. (2015). Alcohol overdose: The dangers of drinking too much. Retrieved from <https://pubs.niaaa.nih.gov/publications/alcoholoverdosefactsheet/overdosefact.htm>  
For more information, visit [www.drugabuse.gov/](http://www.drugabuse.gov/) and <https://www.samhsa.gov/>.

## Drug and Alcohol Abuse Education Programs

### Resources for Faculty and Staff

Health Advocate, Penn State's Employee Assistance Program (EAP), is a free and voluntary resource available for benefits-eligible Penn State employees, spouses, dependent children, parents, and parents-in-law. In addition to healthcare assistance, work/life support, and short-term counseling, Health Advocate can help with substance abuse issues of the employee or those around them. If you suspect that you or someone close to you may have a problem with alcohol or other drugs...Health Advocate is here to help you stop hurting and start healing. For more information about the University's drug and alcohol prevention efforts, please see the "Health Promotion and Wellness" and "Crime Prevention and Safety Awareness Programs" sections of this Annual Security Report.

- Penn State benefits-eligible employees can reach Health Advocate 24 hours a day, 7 days a week, by calling 866-799-2728. Employees can also email [answers@HealthAdvocate.com](mailto:answers@HealthAdvocate.com) or access their webpage at <https://members.healthadvocate.com/>
- Any employee or supervisor with questions related to suspected substance abuse at work by a colleague or employee may contact Labor and Employee Relations at 814-865-1473.



## Resources for Students

| Campus Resources  |  |              |
|---|--|--------------|
| Personal Counseling<br>-Intervention<br>-Referral<br>-BASICS<br>Education | Murphy Center 105<br>44 University Dr.<br>Dallas, PA 18612 | 570-675-9282 |
| Office of Student Affairs   | 44 University Dr.<br>Dallas, PA 18612                      | 570-675-9225 |

| Community Resources                                  |  |  |
|--|--|--|
| Alcoholics Anonymous (AA)                            | 422 North Main St.<br>Pittston, PA 18640             | 570-654-1226<br>800-640-7545             |
| Wyoming Valley Alcohol & Drug Services               | 437 North Main St.<br>Wilkes-Barre, PA 18705         | 570-820-8888<br>(24-hour Crisis Hotline) |
| Community Help Line                                  | 31 West Market St.<br>Wilkes-Barre, PA 18705         | 570-829-1341                             |
| Pennsylvania Coalition Against Domestic Violence     | 3605 Vartan Way<br>Suite 101<br>Harrisburg, PA 17110 | 24-hour hotline<br>(1-800-799-7233)      |
| Pennsylvania Coalition Against Rape- 24 hour hotline | 125 North Enola Dr.<br>Enola, PA 17025               | 24-hour hotline<br>(1-888-772-7227)      |
| Victims Resource Center                              | 71 North Franklin St.<br>Wilkes-Barre, PA 18701      | 570-823-0765                             |

# ANNUAL DISCLOSURE OF CRIME STATISTICS

While Penn State Wilkes-Barre is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics, other common crimes that occur on campus are outlined below.

## Theft

Theft is a common occurrence on college campuses. Often, this is due to the fact that theft is often seen as a crime of opportunity. Confined living arrangements, recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. Occupants of the residence halls often feel a sense of security and home atmosphere and become too trusting of their peers, while others leave classrooms and laboratories unlocked when not occupied for short periods of time.

It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim to theft.

- ☐ Keep doors to residence halls, labs, classrooms locked when not occupied.
- ☐ Do not provide unauthorized access to persons in the buildings or classrooms.
- ☐ Do not keep large amounts of money with you.
- ☐ Lock all valuables, money, jewelry, and checkbooks in a lock box or locked drawer.
- ☐ Keep a list of all valuable possessions including the make, models, and serial numbers.
- ☐ Take advantage of the Engraving Programs to have all valuables engraved with specific identifying marks.
- ☐ Do not leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time.
- ☐ Do not lend credit cards or identification cards to anyone.
- ☐ Report loitering persons or suspicious persons to police immediately; don't take any chances.

## Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involves fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information.

Persons involved in identity theft often use computers or other forms of media to assist them.

You can take measures to prevent this from happening to you:

- Do not give anyone your personal information unless there is a legitimate reason to trust them.
- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use security software and install firewalls on computers.

## Clery Act Crimes

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crimes reported on and around their campuses. The University Police collects the Clery crime statistics disclosed in the following charts through a number of methods.

The University Police maintains a close relationship with all police departments where Penn State owns or controls property to ensure that crimes reported directly to these police departments that involve the University are brought to the attention of the University Police. In addition to collecting Clery crime statistics from local police departments, all reports of crime incidents made directly to the University Police (through police dispatchers and officers) are entered into an integrated computer aided-dispatch systems/records management system. The entries are recorded in the system in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). To ensure each report is appropriately classified in the correct crime category, after a dispatcher or officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified. The department also periodically examines data in the system for appropriate classification.

In addition to the crime data that the University Police maintains, the University collects Clery crime statistics of reports made to various campus security authorities, as defined in this report. The statistics reported in the following charts generally reflect the number of criminal incidents reported to the various campus security authorities. The statistics reported for the subcategories on liquor laws, drug laws, and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.



## Definitions of Reportable Crimes <sup>1</sup>

**Murder/Non-Negligent Manslaughter** – defined as the willful killing of one human being by another.

**Manslaughter by Negligence** – defined as the killing of another person through gross negligence.

**Rape** – Penetration no matter how slight of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**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 their age or because of their temporary or permanent mental or physical incapacity

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

**Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent

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

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

**Burglary** – unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle Theft** – theft or attempted theft of a motor vehicle.

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

**Domestic Violence** – Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family laws of the Commonwealth of Pennsylvania, or by any other person against an adult or youth victim who is protected from that

person's acts under the domestic or family violence laws of the jurisdiction. Pennsylvania does not have a specific crime of domestic violence

**Dating Violence** – Means violence committed by a person —(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined by the reporting party's statement and based on a consideration of the following factors:

- The length of the relationship..
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Pennsylvania does not have a specific crime of dating violence.

**Stalking** – Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress. In Pennsylvania, a person commits the crime of stalking when the person either:

- 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
- 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.

**Hate Crimes** – includes all of the crimes listed above that manifest evidence that the victim was intentionally selected because the perpetrator's bias against the victim based on one of the Categories of Prejudice listed below, plus the following four crimes.

**Larceny/Theft** – the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Simple Assault** – unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

<sup>1</sup> Sources: U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington, D.C., 2016. Violence Against Women Act of 1994. FBI's Uniform Crime Reporting (UCR) Program <https://ucr.fbi.gov/>. Summary Reporting System (SRS) User Manual, National Incident-Based Reporting System (NIBRS) Data Collection Guidelines, and Hate Crime Data Collection Guidelines and Training Manual.

**Intimidation** – to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism to Property (except Arson)** – to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## Categories of Prejudice <sup>2</sup>

**Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

**Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Religion** – 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.

**Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

**Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

**Disability** – 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, accident, injury, advanced age, or illness.

**Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

## Definitions of Clery Act Locations <sup>3</sup>

**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 is frequently used by students, and supports institutional purposes.

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

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

**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.

<sup>2</sup> Source: U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington, D.C., 2016. FBI's Uniform Crime Reporting (UCR) Program <https://ucr.fbi.gov/> Hate Crime Data Collection Guidelines and Training Manual.

<sup>3</sup> Source: U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington, D.C., 2016.

## CRIME STATISTICS: CLERY DATA

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

| Offense                            | 2020               |                 |                 |            | 2021               |                 |                 |            | 2022               |                 |                 |            |
|------------------------------------|--------------------|-----------------|-----------------|------------|--------------------|-----------------|-----------------|------------|--------------------|-----------------|-----------------|------------|
|                                    | On-Campus Property |                 | Public Property | Non-Campus | On-Campus Property |                 | Public Property | Non-Campus | On-Campus Property |                 | Public Property | Non-Campus |
|                                    | Residence Hall     | Total On Campus |                 |            | Residence Hall     | Total On Campus |                 |            | Residence Hall     | Total On Campus |                 |            |
| Murder/ Non-negligent Manslaughter | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Manslaughter by Negligence         | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Rape                               | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Fondling                           | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Statutory Rape                     | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Incest                             | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Robbery                            | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Aggravated Assault                 | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Burglary                           | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Motor Vehicle Theft                | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |
| Arson                              | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          | 0                  | 0               | 0               | 0          |

| VAWA OFFENSES     |   |   |   |   |   |   |   |   |   |   |   |   |
|-------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| Domestic Violence | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence   | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking          | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| ARRESTS |   |   |   |   |   |   |   |   |   |   |   |   |
|---------|---|---|---|---|---|---|---|---|---|---|---|---|
| Weapons | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drugs   | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alcohol | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| REFERRALS |   |   |   |   |   |   |   |   |   |   |   |   |
|-----------|---|---|---|---|---|---|---|---|---|---|---|---|
| Weapons   | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drugs     | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Alcohol   | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

### Hate Crimes

2022-1 hate crime  
1-vandalism based on ethnicity, on campus  
No hate crimes reported in 2020 and 2021.

### Unfounded Crimes

No unfounded crimes in 2020, 2021, and 2022.



# Pennsylvania Uniform Crime Report Act

Crime statistics are reported to the Pennsylvania State Police for annual publication in "Crime in Pennsylvania, the Uniform Crime Report of the Commonwealth." These statistics are also available in the U.S. Department of Justice Publication, Crime in the United States, which is available at all public libraries and most law enforcement agencies within the United States.

| CAMPUS: Wilkes-Barre<br><br>PART I OFFENSES  | 2020            |             |             | 2021            |             |             | 2022            |             |             |
|--|-----------------|-------------|-------------|-----------------|-------------|-------------|-----------------|-------------|-------------|
|  | ACTUAL OFFENSES | *CRIME RATE | ARREST DATA | ACTUAL OFFENSES | *CRIME RATE | ARREST DATA | ACTUAL OFFENSES | *CRIME RATE | ARREST DATA |
| <b>CRIMINAL HOMICIDE</b>                     | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Murder & Non-negligent Manslaughter          | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Manslaughter by Negligence                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>FORCIBLE RAPE</b>                         | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Rape by Force                                | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Assault to Rape - Attempts                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>ROBBERY</b>                               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Firearm                                      | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Knife or Cutting Instrument                  | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Other Dangerous Weapon                       | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Strong Arm (Hands, Feet, etc.)               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>ASSAULT</b>                               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Firearm                                      | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Knife or Cutting Instrument                  | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Other Dangerous Weapon                       | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Hands, Fists, Feet, etc.                     | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>BURGLARY</b>                              | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Forcible Entry                               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Unlawful Entry - No Force                    | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Attempted Forcible Entry                     | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>LARCENY - THEFT (Exc. Motor Vehicles)</b> | 2               | 441         | 1           | 1               | 244         | 0           | 0               | 0           | 0           |
| <b>MOTOR VEHICLE THEFT</b>                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Autos  | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Trucks and Buses                             | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Other Vehicles                               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>ARSON</b>                                 | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>TOTAL PART I OFFENSES</b>                 | <b>2</b>        | <b>441</b>  | <b>1</b>    | <b>1</b>        | <b>244</b>  | <b>0</b>    | <b>0</b>        | <b>0</b>    | <b>0</b>    |

| CAMPUS: Wilkes-Barre<br><br>PART II OFFENSES  | 2020            |             |             | 2021            |             |             | 2022            |             |             |
|---|-----------------|-------------|-------------|-----------------|-------------|-------------|-----------------|-------------|-------------|
|   | ACTUAL OFFENSES | *CRIME RATE | ARREST DATA | ACTUAL OFFENSES | *CRIME RATE | ARREST DATA | ACTUAL OFFENSES | *CRIME RATE | ARREST DATA |
| Assaults - Non-Aggravated                     | 0               | 0           | 0           | 0               | 0           | 0           | 2               | 452         | 0           |
| Forgery and Counterfeiting                    | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Fraud   | 1               | 220         | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Embezzlement                                  | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Stolen Prop., Rec., Possess., etc.            | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Vandalism                                     | 1               | 220         | 1           | 1               | 244         | 0           | 0               | 0           | 0           |
| Weapons, Carrying, Possess., etc.             | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Prostitution & Commercialized Vice            | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Sex Offenses (Exc. Prostitution & Rape)       | 0               | 0           | 0           | 0               | 0           | 0           | 1               | 226         | 0           |
| <b>Drug Abuse Violations</b>                  | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| S Opium-Cocaine                               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| A Marijuana                                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| L Synthetic                                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| E Other                                       | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| P Opium-Cocaine                               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| O Marijuana                                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| S Synthetic                                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| S Other                                       | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>Gambling</b>                               | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Book Making                                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Numbers, etc.                                 | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>Offenses Against Family &amp; Children</b> | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Driving Under the Influence                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Liquor Laws                                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Drunkenness                                   | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| Disorderly Conduct                            | 0               | 0           | 0           | 0               | 0           | 0           | 1               | 226         | 0           |
| Vagrancy                                      | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| All Other Offenses (Exc. Traffic)             | 0               | 0           | 0           | 0               | 0           | 0           | 0               | 0           | 0           |
| <b>TOTAL PART II OFFENSES</b>                 | <b>2</b>        | <b>440</b>  | <b>1</b>    | <b>1</b>        | <b>244</b>  | <b>0</b>    | <b>4</b>        | <b>905</b>  | <b>0</b>    |
| <b>TOTAL PART I &amp; PART II OFFENSES</b>    | <b>4</b>        | <b>881</b>  | <b>2</b>    | <b>2</b>        | <b>489</b>  | <b>0</b>    | <b>4</b>        | <b>905</b>  | <b>0</b>    |

| Wilkes-Barre    |     |
|-----------------|-----|
| 2022: Employees | 93  |
| Students        | 349 |

\*RATE: Per 100,000 population. Population is calculated using full-time equivalent students, faculty, and staff. "( )" indicates the number of incidents, if any, that are classified as hate crimes by the Hate Crimes Statistics Act (28 U.S.C. 534).

Footnote: These statistics comply with the Pennsylvania State Law.

## IMPORTANT PHONE NUMBERS

**University Police and Public Safety**  
570-675-9111

**Lehman Township Police Department**  
Non-emergency 570-675-1483  
Emergency 911

**University Health Center**  
570-675-9250

**Wilkes-Barre General Hospital**  
570-829-8111

**Geisinger Wyoming Valley Hospital**  
570-808-7300

**Pennsylvania State Police Wyoming**  
570-697-2004

**Office of Student Affairs**  
570-675-9225

**Counseling Services**  
570-675-9282

**Environmental Health and Safety**  
814-865-6391  
301 Steam Services Building  
Steam Drive  
University Park, PA. 16802

**IN CASE OF EMERGENCY**  
**DIAL: 911 on any telephone**

If you are on campus, you can reach the duty officer by using any campus emergency phone or dial 570-675-9111 from any other phone to reach the Police Department.

## PSUAlert

PSUAlert is the name of Pennsylvania State University's mass notification service. This system allows the university to send text messages, voice mails, and e-mails to the campus community concerning weather-related school closings, delays, and other emergencies. The service is available to all employees and students of Penn State. The university does not charge for the service, however there may be a fee charged based on your phone plan. To register, go to <http://psualert.psu.edu> and follow the instructions.

## Register to Vote

Penn State encourages all students who are U.S. citizens to vote in local, state, and national elections. Students may register to vote either at their permanent address or their University address, but not both. All students are provided an opportunity in LionPath <https://lionpath.psu.edu> to register to vote or update their voter registration when scheduling classes and via the PSU Votes link. To register in Pennsylvania, go to <https://www.vote.pa.gov/Register-to-Vote/Pages/How-to-Register-to-Vote.aspx>. To register in other states, visit <https://vote.gov/>. For more information on registering to vote and the voting process, visit the PSU Votes website: <https://psuvotes.psu.edu>.

## Penn State Wilkes-Barre Campus Map

<https://wilkesbarre.psu.edu/map>