



PennState
Wilkes-Barre

Revised 2/10/2022

Policies, Safety & U

2021 ANNUAL SECURITY REPORT



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From the Associate Vice President for University Police and Public Safety

Penn State University Police and Public Safety takes very seriously its role to provide and promote a safe and secure environment in which to learn, live, work and play. 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. By engaging with the community and keeping its members informed, we can increase awareness and promote a positive University experience. We urge you, as members of the Penn State community, to use this publication as a guide for safe practices on and off campus and look forward to partnering with you to accomplish this important mission.

Charles Noffsinger

Associate Vice President for University Police and Public Safety



From the President

Dear Penn State Community:

Penn State is committed to providing a safe campus environment, and we ask that everyone takes ownership of this goal. Over the years and in myriad ways, Penn State has undertaken many important institutional efforts to address safety issues, including this publication. I urge you to review the information about campus safety measures, reporting crimes and other emergencies, as well as the procedures and policies designed to protect our University community. Penn State's priority is the safety of our students, faculty, staff, and visitors to our campuses, but a truly safe campus can only be achieved through the cooperation of everyone. Thank you for attention to this very important mission.

A handwritten signature in black ink, appearing to read "Eric J. Barron".

Sincerely,
Eric J. Barron

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 age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, 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. Direct all inquiries regarding the nondiscrimination policy to the Affirmative Action Office, The Pennsylvania State University, 328 Boucke Building, University Park, PA 16802-5901, Email: aao@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 publishes this 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 Conduct, 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 campus, in certain off-campus buildings and on property owned, leased or controlled by Penn State University. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

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, today 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 22 campuses located throughout Pennsylvania.

In 2017, Penn State centralized University Police services by combining campus-based police stations into one, cohesive police department under the direction of the assistant vice president for University Police and Public Safety.

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 (Municipal Police Officers' Education and Training Commission) 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 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 finger print technology.
- Commissioned under the Administrative Code of 1929 and the Municipal Police Officers Education and Training Commission. 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 2 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 University takes great pride in the community at Penn State University and offers many advantages for students, faculty and staff. 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 Conduct, as appropriate.

The University requires all recognized student organizations to abide by federal, state, and local laws, and University regulations. The office of Student Conduct 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/safety-conduct/student-conduct/students-and-organizations/campus-conduct-policy>).

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	Hayfield House 111 44 University Dr. Dallas, PA 18612	570-675-9111 Cell: 570-406-2058
Title IX Coordinator	328 Boucke Building, University Park, PA 16802	814-863-0471
The Office of Student Conduct	120 Boucke Building University Park, PA 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 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. In limited circumstances, the Department may not be able to assure confidentiality and will inform you in those cases.



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 encourage 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
Affirmative Action Office	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

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, 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: arson; aggravated assault; criminal homicide; domestic violence; dating violence; robbery; burglary; sexual assault; hate crimes; 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 will 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 the community to take steps to protect themselves from similar incidents. The University will issue Timely Warnings considering on a case-by-case basis the following criteria: (1) one of the above listed crimes are reported; (2) the perpetrator has not been apprehended; and (3) there is a substantial risk to the safety of other

members of the campus community because of this crime. 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, in consultation with other University offices, if a Timely Warning is required. However, in emergency situations, any police supervisor may authorize a Timely Warning. 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 all twenty-three Penn State locations are available to individuals that do not have Penn State e-mail addresses. All Penn State e-mail addresses are automatically entered into the system and cannot be removed by the user. All of the twenty-three campuses have access to PSUAlert for posting.

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. We 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 is 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 7:00 p.m., Saturday: 9:00 a.m. to 5:00 p.m. and Sunday: 12:00 p.m. to 4:00 p.m. For any additional information they can be contacted at: 570-675-9259.

Notice: Due to COVID19, the hours listed might have changed.

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 Conduct 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 Prevention 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 his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
- (5) who suffers from a mental disability 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, 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

Affirmative Action Office
328 Boucke Building,
University Park, PA 16802
814-863-0471
titleix@psu.edu

Deputy Title IX Coordinators

The Title IX Coordinator may delegate responsibility for handling a report to a Deputy Title IX Coordinator, 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 Prevention and Response
222 Boucke Building, University Park, PA 16802
814-867-0099

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

Affirmative Action Office
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."

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 Prevention and Response, (814-867-0099 or titleix@psu.edu) or the Office of Student Conduct, 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
Affirmative Action Office
328 Boucke Building,
University Park, PA 16802
814-863-0471
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 Prevention 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 his or her 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.
- 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 Prevention and Response website at <http://titleix.psu.edu/> and the Affirmative Action Office (AAO) website at <https://affirmativeaction.psu.edu>.

Resources:

- Office of Sexual Misconduct Prevention 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 – advocacy, referrals, counseling, academic accommodation, and education
<http://studentaffairs.psu.edu/genderequity>
- Affirmative Action – diversity education services
<https://affirmativeaction.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 Conduct – 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>Pre- 8/14/20 Policy</u>	<p>The Pre-8/14/20 Policy addresses sexual misconduct where the incident is alleged to have occurred prior to August 14, 2020, regardless of when the incident is reported to the Office of Sexual Misconduct Prevention and Response (OSMPR). The policy defines prohibited conduct, which includes sexual harassment, gender-based harassment, sexual assault, dating violence, domestic violence, sexual exploitation, and stalking. Both on- and off-campus behaviors are addressed. For more details regarding these procedures, see Penn State's 2019 Annual Security Report and Annual Fire Safety Reports, available at https://www.police.psu.edu/annual-security-reports.</p>
<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 August 14, 2020, or after 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 AD 85. AD 85 defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p> <p>Reports where the Respondent, or the accused party, is a University employee are managed by the Affirmative Action Office.</p>
<u>Non-Title IX Policy</u>	<p>The Non-Title IX Policy 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, the Non-Title IX Policy also applies.</p> <p>Penn State's Non-Title IX Policy is under AD 91. AD 91 defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p> <p>Reports where the Respondent, or the accused party, is a University student are managed by OSMPR.</p> <p>Reports where the Respondent, or the accused party, is a University employee are managed by the Affirmative Action Office.</p>

As noted in the table above, Penn State has several different types of procedures, the usage of which depends on the date the incident occurred, the type of Prohibited Conduct, and the respondent (student or employee). The processes described below characterize Penn State's Title IX policy (student and employee respondents and Title IX Prohibited Conduct and Non-Title IX policy (student respondents, Non-Title IX Sexual Misconduct) and Affirmative Action procedures (for employee respondents, Non-Title IX Sexual Misconduct).

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 AAO 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 AAO's procedures for Non-Title IX Sexual Misconduct, these are referred to as Interim Measures. See Penn State Policy [AD67](#).

The Complainant(s) shall also be informed by the Title IX Coordinator or their designee 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 designed to restore or preserve equal access to the University's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. 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 Conduct, 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 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. See [Interim Suspension procedures](#).

For matters involving employee Respondents, the Affirmative Action Office (AAO), 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. The University may place an employee Respondent on Administrative Leave, with or without pay, during the pendency of these procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation. 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.

Procedures for Reports of Title IX Sexual Misconduct Filed Against a Student or Employee

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 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 Conduct.
- (2) Matters in which the Respondent is an employee (faculty and staff) or third party will be referred to the Affirmative Action Office.

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 Affirmative Action 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 Conduct, 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 Affirmative Action Office (AAO) for employee and third party-related matters and by the Office of Sexual Misconduct Prevention and Response (OSMPR) 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, will complete the final Investigative report that fairly summarizes the relevant evidence and will send the report 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. 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.

C. 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.

D. 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.

SANCTIONS

Within five (5) 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. The sanctioning body will assign sanctions within five (5) days of receipt of the finding 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 Conduct, 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, written reprimand, conduct probation, suspension or expulsion from the University, expulsion from campus housing, mandated counseling, and/or other educational sanctions as deemed appropriate, including No Contact orders. 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 Affirmative Action, 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 Affirmative Action Office, Human Resources, and other University officials, as appropriate, when such action has been completed (i.e., training, probation, suspension). Sanction(s) may include 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 outside the University's sanction range for such violations and/or not justified by the nature of the violation.

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 Sexual Misconduct Filed Against a Student

I. Initial Assessment

After receiving a report, the Director of OSMPR or their designee (hereinafter "Director" shall include the Director of OSMPR and their designee) will make an initial assessment of the reported information and respond to any immediate concerns raised by the report.

As part of the initial assessment, the Director will assess whether the alleged misbehavior is student-related and whether it constitutes sexual harassment (including quid pro quo sexual harassment), sexual assault, dating violence, domestic violence, or stalking as defined by AD91 or should be addressed by another office (e.g., Title IX, Office of Student Conduct, Affirmative Action Office, Human Resources, or other University officials as appropriate); assess the Complainant's safety and well-being and offer the University's support and assistance; assess potential threats to the community; assess the nature and

circumstances of the report, including whether it provides the names and/or any other information that personally identifies the Complainant, the Respondent, any witness, and/or any other individual with knowledge of the reported incident; ascertain the ages of the Complainant and Respondent, if known, and, if either of the parties was a minor (under 18) at the time the alleged misconduct was reported, contact the appropriate child protective service agency; and, work with the Office of Student Conduct (OSC) to implement interim actions as appropriate and necessary (e.g., interim suspension from the University, prohibiting contact with the other party, restriction from activities or campus locations). The Director will also assess the report for Clery reporting purposes and coordinate with University Police as appropriate. As part of this initial assessment process, the Director will also ensure that the Complainant receives a written explanation of all available resources and options, including the following:

- encouragement to report the behavior to the appropriate law enforcement agency;
- support and assistance available through University resources (e.g., residential accommodations, academic accommodations, etc.) regardless of whether the Complainant chooses to participate in the University process, a law enforcement investigation, or both;
- the Complainant's right to seek medical treatment and information about preserving potentially key forensic and other evidence;
- the Complainant's right to seek protective measures;
- the University's prohibition against retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation pursuant to University Policy AD67; and,
- the Complainant's opportunity to meet with the Director to discuss resources, rights, and options.

When the Director decides to initiate an investigation, impose protective measures or take other action that impacts the Respondent (e.g., administrative directive or interim suspension), the Director will also ensure that the Respondent is notified and receives written information on available resources and options. The Director will ensure that a Respondent is informed of the following:

- the nature of the investigation, including a concise summary of the conduct at issue and the portion(s) of the Student Code of Conduct the behavior allegedly violates;
- support and assistance available through University resources;
- the University's prohibition against retaliation, that the University will take prompt action when retaliation is reported, and how to report acts of retaliation pursuant to University Policy AD67; and,
- the Respondent's opportunity to meet with an OSMRP a staff member to discuss resources, rights, and options.

II. University Action Following Initial Assessment

Upon completion of an initial assessment, the Director will determine the course of action, which may include:

Formal Resolution: includes (a) an investigation completed by a trained and impartial investigator; (b) a review of the investigation by a case manager in OSC to determine if, based on the information presented in the investigative packet, it is reasonable to believe that a violation occurred; (c) if necessary, a hearing before a specially trained University Hearing Authority, such as the University Conduct Board or an Administrative Hearing Officer to determine, by a preponderance of the evidence, whether a violation or violations of the Code occurred; (d) the imposition of sanctions and other appropriate remedies if there has been a finding of a Student Code of Conduct violation; and, (e) the opportunity to challenge the outcome of the investigation or any sanction through an appeal, on specified grounds.

Informal Resolution: does not include an investigation or conduct action against a Respondent, but may include imposing appropriate and reasonable remedies, including counseling, education and/or training, as agreed to by the parties. Informal resolutions may also be appropriate as an additional measure during sanctioning (i.e., after a formal resolution), or after a sanction has been completed and a Respondent is returning to the University community; or

Alternative or additional remedies as appropriate and not limited to the official resolution process. These may include, but are not limited to, training and other educational measures or resources for members of the University community.

The Director's course of action following an initial assessment will be guided by: (1) whether the Complainant wishes to pursue formal resolution or requests anonymity, requests that an investigation not be pursued, and/or requests that no conduct action be taken; (2) the availability of information or evidence suggesting that a Code violation may have occurred; and (3) any obligation on the part of the University to investigate or otherwise determine what happened and take corrective action as appropriate to eliminate, prevent, and address the effects of the reported misconduct.

A. WHERE THE COMPLAINANT WISHES TO PURSUE FORMAL RESOLUTION

After an initial assessment, when the Complainant files a Complaint and requests an investigation and the University has conduct authority over the alleged Respondent, the Director will initiate a formal resolution process. If the reports of misconduct are against a third party (i.e., not a member of the University community), the University's actions are limited because of jurisdiction. Although the University's ability to take direct action against a third party may be limited, the University will still take steps to provide the Complainant appropriate immediate support and assistance available through University resources and resources available from entities outside the University.

B. WHERE THE COMPLAINANT REQUESTS THE MATTER BE RESOLVED THROUGH INFORMAL RESOLUTION

A Complainant may request to the Director that the reported matter be resolved through an informal resolution process. In these instances, the Director will review the matter to determine whether such a process is appropriate under the circumstances and to determine whether any additional action by the University is appropriate. If the matter is determined, in the Director's discretion, to be appropriate for informal resolution, the matter will transition to an informal resolution process.

C. WHERE THE COMPLAINANT DOES NOT RESPOND TO THE DIRECTOR'S OUTREACH OR REQUESTS ONE OR MORE OF THE FOLLOWING: (I) ANONYMITY; (II) THAT AN INVESTIGATION NOT BE PURSUED; AND/OR, (III) THAT NO CONDUCT ACTION BE TAKEN

There may be cases in which a Complainant does not respond to outreach attempts. In these instances, before taking any further investigative steps, the Director will evaluate all available information about the report gathered during the initial assessment as well as consult as appropriate with other University departments to determine the appropriate next steps. Also, a Complainant may request that their name or other personally identifiable information not be shared with a Respondent, that no investigation be pursued, and/or that no action be taken. These matters will also be considered by the Director, along with the Complainant's requests.

III. Director's Review

The Director will consider a Complainant's request for anonymity, that an investigation not be pursued, and/or that no action be taken. They will also consider the Complainant has not responded to contacts by the Director and will balance any Complainant's request or lack of responsiveness against the following factors to determine appropriate next steps:

- the totality of the known circumstances;
- 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 violence;
- whether there have been other reports of misconduct (verified or not) 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;
- the Complainant's reasons for not wanting to pursue an investigation or conduct action, and the impact that moving forward nonetheless could have on the Complainant;
- 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.

The Director will make a determination regarding the appropriate manner of resolution. The University will seek resolution consistent with the Complainant's request, if possible, based upon the facts and circumstances, while also protecting the health and safety of the parties involved and the University community.

A. DETERMINATION TO NOT PROCEED WITH AN INFORMAL OR FORMAL PROCESS

When the Director agrees, that an informal or formal process not be initiated, either after a Complainant's request or if Complainant is nonresponsive, the University may nevertheless take other appropriate steps to address the reported misconduct, prevent its recurrence, and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate remedies to the Complainant, providing targeted training and prevention programs, and/or providing or imposing other remedies. The Complainant may at any time change their mind and decide they wish to pursue informal or formal resolution. The Director also may request that a report be re-opened and pursued if any new or additional information becomes available.

B. DETERMINATION THAT A COMPLAINANT'S REQUEST(S) CANNOT BE HONORED

In those instances when the Director determines that the University must proceed with an informal or formal process despite the Complainant's request that it not occur, the Director will notify the Complainant that the University intends do so, but that the Complainant is not required to participate.

The University's ability to fully investigate and respond to a report may be limited if the Complainant requests anonymity or declines to participate in an investigation. The University will, however, pursue other steps, if available, to limit the effects of the alleged misconduct and prevent its recurrence. Those steps may be taken as part of an informal resolution.

IV. Formal Resolution

If a determination is made to pursue a formal resolution, the University will initiate a reliable, objective, and impartial investigation and resolution process. Complaints will be investigated and managed by internal or external investigators who have been appropriately trained on issues related to sexual harassment, including quid pro quo sexual harassment, gender-based discrimination or harassment, sexual misconduct, sexual assault, dating violence, domestic violence, stalking, and victimization, as well as how to conduct investigations and the decision making process that affords both the Complainant and Respondent a full and fair opportunity to be heard, to submit information and other evidence, and to identify witnesses.

A formal resolution typically begins when:

- a Complaint has been filed and the Complainant subsequently requests, with no deadline, an investigation of the alleged misconduct; or
- after receiving a Complaint, the Director has determined, based on the totality of the circumstances and the information available, that the formal resolution process is appropriate.

A. INVESTIGATION

An investigation will afford both the Complainant and Respondent a full and fair opportunity to be heard, to submit information and other evidence, and to identify witnesses. During an investigation, the investigator typically will meet separately with the Complainant, Respondent and pertinent witnesses; offer the parties the opportunity to submit and/or identify related and relevant information or evidence; and gather other relevant information or evidence, including documents, photographs, communications between the parties, medical records (subject to the consent of the applicable person) and other records as appropriate and to the extent possible, understanding that the investigator does not have subpoena power.

Following each interview, the interviewed person will be provided with a draft summary of their interview and an opportunity to comment on the summary to ensure its accuracy and completeness. Corrections and revisions will be made as appropriate.

In addition, the Complainant or Respondent may provide the investigator other supporting materials relevant to the matter at any time during the investigation. The investigator may impose time and page limits on written documents and information presented by either person as part of the investigation.

1. **Role of Investigator.** When a formal resolution process is initiated, the Director will designate an investigator. The investigator will typically be a member of OSMPR, although the investigator may be any appropriately trained individual from inside or outside the University, as designated by the Director. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. The Director's determination in that regard is final.

A Complainant or Respondent who has concerns that the assigned investigator cannot conduct a fair and unbiased review, may report those concerns to the Director who will assess the circumstances and determine whether a different investigator should be assigned to the matter.

Investigators do not function as advocates for Complainants or Respondents. Investigators can, however, identify campus support and other resources for Complainants and Respondents and refer them to other offices such as the Gender Equity Center,

Counseling and Psychological Services, or Student Care and Advocacy, to coordinate services for students upon request.

2. **Notice of the Investigation.** Before any interview of the Respondent by an investigator, the Respondent will be informed in writing of the initiation of the investigation. The Complainant will similarly be notified, in writing, unless the Complainant has requested that the University not contact them. The written information will include the identities of the parties, if known, a concise summary of the alleged misconduct at issue, the date and location of the alleged misconduct, if known, and the section(s) of the Student Code of Conduct potentially violated. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional prohibited conduct under the Student Code of Conduct, AD91, or other relevant policies such as AD85.
3. **Assumption of Good Faith Reporting.** The University presumes that Complaints are filed in good faith. A finding that the behavior at issue does not constitute a violation of the Student Code of Conduct or that there is insufficient evidence to conclude that the incident occurred as reported, does not mean that the report was made in bad faith. The University encourages all individuals who have experienced or witnessed behavior they believe violates the Student Code of Conduct to report the matter so that it may be addressed, without fear of consequences from the University even if their good faith report cannot be substantiated or the behavior does not constitute a violation of the Code. Bad faith reports, however, may subject the reporting party and any other individuals who may be complicit in the bad faith report to conduct action.
4. **Presumption of Non-Responsibility and Standard of Proof.** The investigation is a neutral, fact-gathering process. The Respondent is presumed to be not responsible for the alleged conduct until a determination is made at the conclusion of the formal resolution process. The formal resolution process, including a University hearing, may provide for sufficient basis, by a preponderance of the evidence, to find that the Respondent violated the Student Code of Conduct. A preponderance of the evidence 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 violated the Student Code of Conduct.
5. **Active Participation by the Parties and Witnesses is Voluntary.** Complainants, Respondents, or witnesses may choose to participate or decline to participate in the formal resolution process; however, even if a Complainant or Respondent declines to participate, the University, at its discretion, may continue to investigate the report and issue findings based on available information. Further, the University may mandate a meeting with the parties, although the parties may choose to not share any information or respond to questions.

- 6. Expectation of Complainant, Respondent, and Witnesses in an Investigation.** The Complainant, Respondent, witnesses and others sharing information with the investigator are expected to provide truthful information in any investigative or conduct proceeding. Failure to provide truthful information to a school official is, in and of itself, a violation of the Student Code of Conduct.
- 7. Acceptance of Responsibility.** The Respondent may, at any time, elect to resolve the formal resolution process by accepting responsibility for the violations alleged, in which case the matter will be referred to OSC, which will determine appropriate sanctions through its normal, non-hearing process. The Respondent may not later contest their acceptance of responsibility.
- 8. Advisors.** Throughout the process, a Complainant, Respondent or witness may have an advisor of their choice. A party shall not select an advisor with the actual or effective purpose of disrupting or attempting to disrupt the proceedings or causing emotional distress to the other party or parties. The advisor, upon a party's request may: (1) accompany the party in any grievance proceeding or related meeting; (2) advise the party in the preparation, presentation, and/or sharing of information; and, (3) advise the party in the preparation of any appeals or sanction reviews. The advisor shall not perform any function in the process other than advising the party as described and may not make a presentation or represent the party during any interview or other process. The parties must ask and respond to questions on their own behalf, without interruptions or presentations by their advisor. Parties may consult with their own advisors quietly or in writing during a session, or outside during breaks, but the advisor may not speak on behalf of the advisee or directly participate otherwise in the proceeding. Delays in the process will not normally be allowed due to scheduling conflicts with advisors. If, at any point in the process, an advisor becomes disruptive or fails to follow the rules for participation as set forth in this document, the University reserves the absolute and non-appealable right to remove the advisor from the proceeding, and, if appropriate, any future meetings/proceedings.
- 9. Evidence.** The investigator is responsible for gathering relevant evidence to the extent reasonably possible. To this end, the parties and witnesses are asked and encouraged to identify other witnesses and provide relevant information, such as documents, communications, text messages, social media postings, photographs, and other evidence. Both parties are encouraged to provide all relevant information as promptly as possible to facilitate a timely resolution. If appropriate, the parties are encouraged to provide necessary releases to allow the investigator to gather additional relevant information.

In general, a person's medical and counseling records are confidential and not accessible to the investigator unless that person voluntarily chooses to share those records with the investigator, in which case that person

must provide a written consent form. The investigator will review all information identified or provided by the parties and will, in their sole discretion, assess the appropriateness, relevance, and probative value of the information developed or received during the investigation.

In addition to the investigative report, either party will be able to present any evidence not included in the packet to the OSC case manager or hearing authority for their review, should a hearing be convened.

The investigator may, in their sole discretion, consult experts who have no connection to the reported incident when expertise on a specific topic or submitted evidence is needed to gain a fuller understanding of the relevance or value of the evidence or the issue at hand. The investigator is not obligated to consult any expert at the request of a party.

- 10. Prior or Subsequent Behavior of the Respondent or Complainant.** Prior or subsequent behavior of either party will never be used to prove character, but may be considered for other purposes, such as determining pattern, knowledge, intent, or reasons for taking an action. For example, evidence of a pattern of related behaviors by the Respondent, either before or after the incident in question may be deemed relevant and included in the investigative packet. Prior bad faith reports made by the Complainant may also be deemed to be relevant.
- 11. Prior Sexual Contact Between Complainant and Respondent.** Prior sexual contact between a Complainant and a Respondent will never be used to prove character or reputation. Moreover, evidence related to the prior sexual history between the parties is generally not relevant to the determination of a violation and will be considered only in limited circumstances. For example, if the question being determined is whether consent was given through mutually understandable actions (rather than words), information about prior sexual contact, in the totality of the evidence considered, may help the investigator and/or hearing authority understand the manner and nature of sexual communication between the two persons. This information may, therefore, be relevant in determining whether consent was sought and given during the incident in question. However, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act. Consent on one occasion does not, by itself, constitute consent on a subsequent occasion.
- 12. Pertinent witnesses.** Pertinent witnesses must have observed the acts in question or have information relevant to the Complaint and cannot be participating solely to speak about an individual's character.

Witnesses will have the opportunity to discuss the investigation process and participate in an interview. Following the interview, a witness will be provided with a draft summary of their interview so that they have the

opportunity to comment on the summary and ensure its accuracy and completeness.

Where witnesses are interviewed as part of the investigation, the investigator will, as part of the preliminary investigation report, allow the Complainant and the Respondent to review and provide comment to a written summary of the witnesses' interviews. This summary will identify the witnesses by name and relationship to either/both parties and the University.

- 13. Coordination with Law Enforcement.** Where the University is made aware that there is a concurrent criminal investigation, the investigator will: inform any law enforcement agency that is conducting an investigation that a University investigation is also in progress; ascertain the status of the criminal investigation; and, determine the extent to which any evidence collected by law enforcement may be available to the University in its investigation.

At the request of law enforcement, the University may agree to temporarily defer part or all of the investigation until after the initial evidence-gathering phase of the law enforcement investigation is complete. The investigator will communicate with the parties, consistent with the law enforcement request and the University's obligations, about resources and support, procedural options, anticipated timing, and the implementation of any necessary interim measures for the safety and well-being of all affected individuals.

Standards for criminal investigations are different than the standards for a violation of the Student Code of Conduct, and therefore, the University will not base its decisions solely on law enforcement reports and/or actions. Similarly, if the University determines a violation has occurred, the University will take appropriate action in accordance with applicable policies and procedures, regardless of external proceedings that may also be pending.

- 14. Time Frame for Completion of Investigation.** The University will make every reasonable effort to resolve complaints in reasonably prompt timeframes. The investigation will typically not exceed 120 days; however, this timeline is not binding and creates no rights for the parties. The University can extend deadlines at its sole 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 investigator will notify the Complainant and Respondent on a regular basis about the status of the investigation. In cases where the timeframe will be extended, the investigator will provide written notice of the delay to both the Complainant and Respondent, and such notice will explain the reason for the delay.
- 15. Preliminary Investigation Report.** At the conclusion of the initial investigation, the investigator will draft a preliminary investigative report that includes all 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. Once the preliminary investigation report is approved by the Director the investigator will send the preliminary investigation 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) business 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 evidence.

The investigator will consider the parties' responses prior to drafting a final investigation report. At the conclusion of the review period, the investigator will remove the parties' electronic access to the draft investigation report. If the investigator 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 draft investigation 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.

- 16. Final Investigation Report.** The investigator, after reviewing and considering the parties' responses to the draft investigation report, will complete the final investigation report that fairly summarizes the relevant evidence. The investigator will again provide temporary access to this report as outlined in the Preliminary Investigation Report section for the parties to review. However, no further response from the parties will be accepted unless the investigator determines it necessary. The final investigation report will be forwarded to the Office of Student Conduct after the ten business (10) days conclude.

Processes for Determining Responsibility

Whenever a final Investigative Packet is received by a Case Manager in the Office of Student Conduct, the Case Manager will review the Packet and, if s/he determines that the information in the Investigative Packet reasonably supports a Code of Conduct violation, the Case Manager may recommend charges and sanctions to the Respondent. If the Case Manager determines that the information in the Investigative Packet does not reasonably support a Code of Conduct violation, then the case will be closed without charges.

If charges are issued, the Respondent and Complainant will both be provided with an opportunity to meet with a Case Manager from the Office of Student Conduct to discuss and

respond to the charges and ask questions about the adjudicative process. If charges are assigned by the Case Manager and the Respondent chooses to accept responsibility, both the Respondent and Complainant will have the opportunity to request a sanction review pursuant to applicable procedures listed in the OSC Procedures document

(<https://studentaffairs.psu.edu/support-safety-conduct/student-conduct/code-conduct>).

If the Respondent does not accept responsibility for the charges, the University may adjudicate the matter through the use of a hearing.

University Hearing

If a Respondent chooses to contest charges issued by a Case Manager, the matter will be forwarded to a hearing. The hearing officer or University Conduct Board will hold a hearing to determine responsibility or non-responsibility using a preponderance of evidence standard.

Participation and the Right to Advisors

The Respondent and Complainant will both be afforded reasonable opportunity to attend and participate in hearings. In addition, the Respondent and Complainant may each be assisted during hearings by an advisor of their choice, pursuant to the policies outlined in the Office of Student Conduct Procedures document

(<https://studentaffairs.psu.edu/support-safety-conduct/student-conduct/code-conduct>).

Each party will be allowed to submit a consideration statement that will be reviewed by the hearing authority, should the Respondent be found responsible for violating the Code.

Notification of Determination and the Right to Appeal

Both the Respondent and the Complainant will be notified simultaneously, in writing, of the decision once the written outcome has been submitted to the Case Manager by the hearing authority. Both the Respondent and the Complainant will also be notified, in writing, of the appeal procedure, of any change to the decision that occurs prior to the time that the decision becomes final, and when the decision becomes final. If suspension or expulsion is either assigned or was within range for the charges, both the Complainant and the Respondent will have the opportunity to file an appeal. At the conclusion of any appeal process, both the Complainant and the Respondent will be notified simultaneously, in writing, of the final outcome.

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

Affirmative Action Office Response to Reports Received

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

Initial Assessment

The Associate Vice President for Affirmative Action (AVPAA) or designee shall 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 AVPAA or designee. At the conclusion of the initial assessment, the AVPAA or designee will meet with the Complainant to discuss the options available:

- Proceed with informal resolution of the allegation
- Proceed with a formal investigation into the allegation
- Referral to an appropriate administrative office/unit
- No further action to be taken

In matters that proceed to either an informal resolution process or a formal investigation, the AVPAA or designee will assign the case to an AAO investigator. If the AVPAA or designee determines that the allegation warrants a formal investigation in cases where the Complainant does not wish to move forward with such action, the AVPAA or designee 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 AAO 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 AAO 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 AVPAA or designee is responsible for coordinating the effective implementation of Interim Measures.

The Respondent is presumed to be not responsible for the alleged conduct pending the outcome of a fact-finding process.

Administrative Leave

The University may place an employee Respondent on Administrative Leave, with or without pay, during the

pendency of these procedures. A Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation. 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, AAO 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 AAO investigator, who will review the request with the AVPAA or designee and communicate the decision to the parties. If the AAO 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.

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 and/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 AAO. If there is a known Complainant, the AAO 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 AAO 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 AAO 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 AAO 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 AAO 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 [AAO Online reporting form](#). The decision to proceed with a formal investigation is subject to an objective initial assessment of the known facts by the AVPAA or designee, 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 AAO'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 AAO investigator(s) 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 AAO 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. The AAO 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 AAO 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 AAO 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 or submit documents or otherwise make any statements. However, the parties are encouraged to provide relevant information to the AAO 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 AAO may, in its discretion, consolidate complaints where the allegations arise out of the same facts.

The AAO will seek to complete the investigation and any additional necessary processes within a prompt and reasonable amount of time, typically not to exceed ninety (90) days. This timeline is not binding and creates no rights for the parties. The AAO 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 AAO 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 AAO 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.

At its discretion, the AAO can make a determination not to provide the identity of a specific Complainant or witness to the Respondent based on their assessment of the need for such individuals to be identified in order to proceed with the investigation and determine a finding. If a decision is made not to provide an individual's identity during the investigation, the AAO will determine whether at any point in the process, it becomes necessary for that individual to be identified either to provide sufficient information so the Respondent may present evidence on their own behalf, or to render a finding in the case.

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 AAO 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 AAO investigator.

Investigative Report

Within ten (10) days of the conclusion of their investigation, the AAO 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 AVPAA or designee for review.

Letter of Finding

Within ten (10) days of the AVPAA or designee's review of the Investigative Report, the AAO Investigator will issue a Letter of Finding. The Letter of Finding shall include:

- Whether the Respondent has been found responsible for violating University policy and, if so, the specific behaviors deemed to be Prohibited Conduct.
- General description of the procedural steps taken from the receipt of the Complaint through the determination.
- Findings of fact supporting the determination.
- Conclusions regarding the application of applicable University policies.
- Information on the right of either party to request an internal review of the AAO determination or to file a complaint with a relevant federal or state agency.

In matters involving allegations of dating violence, domestic violence, sexual assault, or stalking, simultaneous written notification of the result of the investigation will be provided to both parties.

Sanctions and Corrective Action

While the AAO does not impose disciplinary action, the University takes allegations of Prohibited Conduct, and retaliation, very seriously. After the AAO 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 AVPAA 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 AAO may also determine that the Investigative Report should be provided to the employee's supervisor, the Human Resources Strategic Partner or Consultant 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 AAO, Human Resources, and other University officials, as appropriate, when such action has been completed (i.e., training, probation, suspension). For a list of disciplinary sanctions, please see the section titled, *Possible sanctions or protective measures Penn State may impose following a final determination of an institutional procedure against employees.*

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 AAO, 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 AAO. Appropriate grounds for an internal review of the AAO outcome are as follows:

1. A procedural irregularity 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.

If a staff member, who is a Complainant or Respondent, is not satisfied after completion of the AAO process for cases not involving dating violence, domestic violence, sexual assault or stalking, the employee may request a Final Step Review, in writing, within seven (7) days of the AAO'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 staff member, who is a Complainant or Respondent, is not satisfied after completion of the AAO process for cases involving dating violence, domestic violence, sexual assault or stalking, the employee may request a review of the case by the Senior Director of Labor and Employee Relations or designee, in writing, within seven (7) days of the AAO's conclusion of the matter (i.e., receipt of the Letter of Finding), and shall list the matter(s) to be reviewed. The Senior Director of Labor and Employee Relations or designee will review the case and communicate a decision to the parties in writing. The Senior Director of Labor and Employee Relations or designee's decision will be final.

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

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.



Possible sanctions 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 listed below may be imposed for any single violation.

Primary Administrative Sanctions:

- **CONDUCT WARNING:** A conduct warning is an indication to a student that his/her conduct violated the Code of Conduct and that further misconduct will result in more severe disciplinary action.
- **CONDUCT PROBATION:** Conduct probation is assigned for a specified period of time and is intended to foster reflection, responsibility, and improved decision-making. Additional conditions and/or

educational programs may be assigned as a component of the probation. Future established misconduct, failure to comply with any conditions or to complete any assignments may lead to a more severe disciplinary action, including suspension or expulsion. Conduct probation may be recorded on the official University transcript when, either due to the serious nature of the offense or when a student's disciplinary history is significant, the Office of Student Conduct determines a notation is merited.

- **CONDUCT SUSPENSION:** Disciplinary suspension from the University is assigned for a specified period of time. A suspended student is precluded from registration, participation in any class, activity or program of the University, and residence on campus. In addition, the student is prohibited from using or visiting University facilities unless special permission is obtained from the Senior Director or designee. During the period of the suspension, a notation will appear on the student's official University transcript.
- **INDEFINITE EXPULSION:** Indefinite expulsion from the University is for a period of not less than one calendar year, and re-enrollment must be approved by the Vice President for Student Affairs or designee at University Park or by the Chancellor or designee at other campus locations. During a period of indefinite expulsion, a student is precluded from registration, participation in any class, activity or program of the University, and residence on campus. In addition, the student is prohibited from using or visiting University facilities unless special permission is obtained from the Senior Director or designee. If a student wishes to return to the University after the period of his or her indefinite expulsion, he/she must request re-enrollment (in writing) from the Senior Director or designee. During the period of the expulsion, a notation will appear on the student's official University transcript.
- **EXPULSION:** Expulsion of a student from the University is permanent. A student is precluded from registration, participation in any class, activity or program of the University, and residence on campus. In addition, the student is prohibited from using or visiting University facilities unless special permission is obtained from the Senior Director or designee. Expulsion requires administrative review and approval by the President. The sanction of expulsion is permanently noted on a student's official University transcript.

Secondary Administrative Sanctions:

- **HOUSING REVIEW:** Housing Review is implemented when an on-campus student has either breached the terms and conditions of his/her housing contract/lease agreement or has engaged in inappropriate behavior in or near the residence halls. This review is for a specified period of time with the understanding that any further breach of the conditions of their housing contract/ lease agreement, during the time specified, may result in an extension of review of housing contract or a termination of a student's housing contract, or a

notice of non-renewal of a lease agreement. A housing review will typically be assigned in conjunction with other administrative sanctions.

- **ROOM REASSIGNMENT:** A student is relocated from one housing assignment to another residence hall assignment. This may be a temporary or permanent change of assignment. This sanction should be made after consultation with the residence life staff member. This sanction can be assigned independently or in conjunction with other administrative and active sanctions.
- **LOSS OF HOUSING:** Loss of housing permanently separates a student from the University housing program. This separation is typically immediate.
- **LOSS OF PRIVILEGE:** Loss of Privilege involves the withdrawal of the use of service, participation in an activity, or withdrawal of privileges consistent with offense(s). Loss of privilege may be imposed separately or in addition to other sanctions.

Active Sanctions:

- Active sanctions are sanctions that the University reserves the right to assign to students in addition to administrative sanctions. These include but are not limited to the following: administrative directives, alcohol or drug education, counseling, reflection papers, projects, decision-making workshops/modules, meetings with staff or others, restitution, and sanctioned service.

Other Sanctions:

- The University reserves the right to impose other sanctions in addition to those listed above in response to specific circumstances of a case.
- **Administrative Directives for No Contact:** (Students may request a Directive for No Contact through the Senior Director of Office of Student Conduct or the Director of Residence Life)
- Restriction from portions of Campus
- Change in housing assignment
- Change in course assignment
- Mandated Psychological Evaluation and/or Counseling
- Mandated Education

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. Personally identifiable information about the victim, and other necessary parties where appropriate, will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering accommodations or protective measures or support services to the complainant. 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 or online. 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/student_forms/withhold_dir_info_form.cfm.

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:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

- b. Defines domestic violence, dating violence, sexual assault, and stalking including how those terms are defined in the Commonwealth of Pennsylvania;
- c. Defines what behavior and actions constitute consent to sexual activity in the Commonwealth of Pennsylvania;
- d. 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;
- e. 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;
- f. 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. The Office of Student Services and Engagement is primarily responsible for sexual assault education and awareness. A variety of programming focuses on sexual and gender violence. Below is a list of some of the programs that maybe available at the Wilkes-Barre campus:

- 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.

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 his/her 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

Stand for State is Penn State’s bystander intervention initiative which focuses on interrupting situations related to sexual and relationship violence, mental health concerns, acts of bias, and risky drinking. It launched university-wide in January 2016 and 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 4D’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
 - Grab some friends and check in together
 - “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 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
 - Just stick around and don't leave the two alone
 - 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
- 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>

Delay: Delaying the conversation to a later time when they are more willing to accept the interaction.

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 less 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 2020-April 2021

Interrupting sexual and relationship violence:

Provided 52 programs to 853 participants

Interrupting acts of bias and discrimination:

Provided 70 programs to 873 participants

Crime Prevention and Safety Awareness Programs

In an effort to promote safety awareness, the 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 www.police.psu.edu/community-policing. Programs below are not available at all campuses; based upon police services available at your campus.

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.

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

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.

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 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.

2020-2021: 8,235 students from University Park and 5,621 students from other campuses completed the alcohol section. 8,266 students from University Park and 5,780 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.

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 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 and tests all fire alarms and automatic fire suppression systems to ensure system readiness and proper operations 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 annual inspections,

plan reviews, and evacuation drills in many campus facilities. <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 Conduct, 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
Website: <https://universityethics.psu.edu>

For concerns related to students and/or student organizations:

The Office of Student Conduct
120 Boucke Building University Park, PA 16802
Phone: 814-863-0342
Online Report:
cm.maxient.com/reportingform.php?PennState&layout_id=0
Email: 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., Student Conduct 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 Conduct

The Office of Student Conduct

The Office of Student Conduct strives to deliver a conduct process that is equitable, just, educational, effective and expeditious; and to provide a system that promotes individual and organizational growth through responsibility and in which the success of its educational endeavors is characterized by increased civility.

The Office of Student Conduct is committed to advancing diversity, equity, and inclusion in all its forms. We embrace individual uniqueness, foster a culture of inclusive excellence that supports both broad and specific diversity initiatives, leverage the educational and institutional benefits of diversity, and engage all individuals in an effort to help them thrive.

The Student Code of Conduct

The Office of Student Conduct is responsible for administering the Code of Conduct, which articulates the behavioral standards and the equitable procedures employed by the University to respond to allegations of student or organizational misconduct.

The Code of Conduct is administered at all Penn State campuses on University property and may also address off-campus student or organizational misconduct when a student's or organization's behavior affects a substantial university interest.

Students or organizations who are found responsible for violations may be subject to sanctions ranging from Conduct Warning or Conduct Probation to Suspension or Expulsion from the University. Students or organizations residing in University housing may also lose the privilege of living on campus.

In most cases, the Office of Student Conduct will also assign developmental and educational interventions designed to promote greater awareness and improved decision making for students or organizations and to deter future misconduct.

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.

In instances where a student's or organization's conduct, behavior, or other objective evidence provides a reasonable cause to believe a student or organization is an immediate and significant threat to the health or safety of other persons, to property of the University or others, to disrupting essential campus operations, or to the student's own health or safety, the Office of Student Conduct may assign an Interim Suspension and/or other interim actions that are designed to protect the health and safety of the community and members therein.

The Office of Student Conduct is also responsible for conducting pre-admission, re-enrollment, and continuing enrollment reviews for prospective, returning or current students. Any individual or entity may submit reports alleging student misconduct to the Office of Student

Conduct or the OSC designee at the campus where the incident occurred.

The Office of Student Conduct also provides outreach programming designed to inform and educate students and to promote the Penn State Values. Please visit the Office of Student Conduct website at <http://studentaffairs.psu.edu/conduct>, where you can find the Student Code of Conduct, Parental Notification Policy, Student Records Policy, and links to all policy and procedural guidelines related to the Student Conduct process. Students are encouraged to take the “Know the Code” quiz located on the Student Conduct website.

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 Code of Conduct and the Off-Campus Misconduct Policy, are published on the Student Conduct website, <http://studentaffairs.psu.edu/conduct>.

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Office of Student Conduct at University Park.

Parental Notification Policy

The Pennsylvania State University, under the guidelines of the Family Educational Rights and Privacy Act (FERPA), notifies parents and families in specific instances where a student accepts responsibility, or is found responsible, for a violation of an alcohol or drug policy or receives a sanction that may impact their status as a student.

Parental notification is intended to involve families in the total educational experience of the student and to provide an opportunity for conversation between students and their parents/legal guardians about the experience or incident that was a violation of the Code of Conduct.

<https://studentaffairs.psu.edu/support-safety-conduct/student-conduct/conduct-information-parents-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 is 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 his or her 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 his/her designee will notify the individual the student has designated as his/her missing person contact. If the missing student is under 18 years of age and not an emancipated individual, the AVP or his/her designee will also notify the student’s custodial parent or guardian.

Students will be notified annually that each residential student of 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 his/her 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 his/her designee will take the following action(s):
- The AVP or his/her designee will promptly notify the individual the student has designated as his/her 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 his/her 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 his/her 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
44 University Dr.
Dallas, PA 18612
570-675-9225

University Police and Public Safety
Hayfield House 111
44 University Dr.
Dallas, PA 18612
570-675-9111
Cell: 570-406-2058

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 sixty 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 University Risk Officer (for University Park requests); 2) the Senior Vice President for Health

Affairs and Dean of the College of Medicine; and 3) the Chancellor of Commonwealth campus (for campus requests).

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 AD 33 A Drug-Free Workplace. Under AD 33, 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 is 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 his or her 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 Disciplinary Warning or Disciplinary 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 Conduct will also assign developmental and educational interventions designed to promote greater awareness and improved decision making for students and to further deter future misconduct.

Effective fall semester 2010, 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 Conduct 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 his or her 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 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 persons' 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, alerting a resident assistance, contacting police) AND meets one or more of the following criteria typically will not face University conduct action for his or her 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 himself or herself 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 ¹	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

¹ 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/.

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.

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. However, marijuana in any form remains a prohibited controlled substance 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. Therefore, the use and/or possession by individuals of marijuana in any form and for any purpose continues to violate applicable University policies, and any student or employee who violates such policies will be subject to disciplinary sanctions.

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

Source: U.S. Department of Justice. (2020). 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"> •Not less than 10 yrs, not more than life •If death or serious injury, not less than 20 yrs, or more than life •Fine not more than \$10 million if an individual, \$50 million if other than an individual 	<ul style="list-style-type: none"> •Not less than 20 yrs, not more than life •If death or serious injury, mandatory life •Fine not more than \$20 million if an individual, \$75 million if other than an individual
Marijuana (Schedule I)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> •Not less than 5 yrs, not more than 40 yrs •If death or serious injury, not less than 20 yrs, or more than life •Fine not more than \$5 million if an individual, \$25 million if other than an individual 	<ul style="list-style-type: none"> •Not less than 10 years, not more than life •If death or serious injury, mandatory life •Fine not more than \$8 million if an individual, \$50 million if other than an individual
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> •Not more than 20 yrs •If death or serious injury, not less than 20 yrs, or more than life •Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> •Not more than 30 years •If death or serious injury, mandatory life •Fine \$2 million if an individual, \$10 million if other than individual
Marijuana (Schedule I)	1 to 49 plants; less than 50 kg	<ul style="list-style-type: none"> •Not more than 5 years •Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> •Not more than 10 years •Fine \$500,000 if an individual, \$2 million if other than individual
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. (2020). 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	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. 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	5 kgs or more mixture	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.
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	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.
Fentanyl Analogue (Schedule I)	10–99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100–999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 gms mixture		10 gms or more mixture	2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
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	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. 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.		
Flunitrazepam (Schedule IV)	1 gm			
Other Schedule III drugs	Any amount	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. 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.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.		
Flunitrazepm (Schedule IV)	Other than 1 gm or more			
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Source: U.S. Department of Justice. (2020). Drugs of Abuse. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

Harmful Effects of Mixing Various Drugs with Alcohol

DRUG	EFFECTS WHEN MIXED WITH ALCOHOL
Antibiotics	Extreme drowsiness, decreases effectiveness
Antihistamines	Extreme drowsiness, causes temporary depression
Aspirin	Stomach and intestinal bleeding
High Blood Pressure Medicines	Dangerously lower blood pressure
Narcotics	Extreme slowing of brain activities, breathing slows down or stops
Non-Narcotic Pain Killers	Stomach and intestinal irritation or bleeding
Sedatives & Tranquilizers	Extreme slowing of brain activities, breathing slows down or stops, heart slows down or stops

Turrisi, R. (2010). A parent handbook for talking with college students about alcohol. The Pennsylvania State University, University Park, PA.

Drug Risks and Consequences

	EFFECT ON THE MIND	EFFECT ON BODY	OVERDOSE	POTENTIAL FOR DEPENDENCE	EXAMPLES
ALCOHOL	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
DEPRESSANTS	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 Non-Rx: Rohypnol (Roofies)
HALLUCINOGENS	Distortions of thought associated with time and space, confusion, anxiety, depression, paranoia, sleep problems, and drug craving.	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 Non-Rx: MDMA, ecstasy, LSD, acid, shrooms, PCP, ketamine
INHALANTS	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
MARIJUANA	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
OPIOIDS	When appropriately prescribed reduce tension and pain, anxiety, and aggression. 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 Non-Rx: Heroin
STIMULANTS	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 Non-Rx: Cocaine, methamphetamine
TOBACCO	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. (2020). 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/ 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 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 814-867-0041.



Resources for Students

Campus Resources		
Personal Counseling -Intervention -Referral	Murphy Center 105 44 University Dr. Dallas, PA 18612	570-675-9282
Office of Student Affairs-Student Conduct-Intervention	44 University Dr. Dallas, PA 18612	570-675-9225
Health Services	Athletics/ Recreation 44 University Dr. Dallas, PA 18612	570-675-9250

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

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

Negligent Manslaughter – 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 his/her age or because of his/her 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:

- i. The length of the relationship..
- ii. The type of relationship.
- iii. 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 his or her 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:

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.

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.

¹ 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 ²

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 ³

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.

² 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.

³ 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	2018				2019				2020			
	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
Negligent Manslaughter	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

No hate crimes reported in 2018, 2019, and 2020.

No unfounded crimes in 2018, 2019, and 2020.

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 PART I OFFENSES	2018			2019			2020		
	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA
CRIMINAL HOMICIDE	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
FORCIBLE RAPE	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
ROBBERY	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
ASSAULT	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
BURGLARY	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
LARCENY - THEFT (Exc. Motor Vehicles)	0	0	0	0	0	0	2	441	1
MOTOR VEHICLE THEFT	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
ARSON	0	0	0	0	0	0	0	0	0
TOTAL PART I OFFENSES	0	0	0	0	0	0	2	441	1

CAMPUS: Wilkes-Barre PART II OFFENSES	2018			2019			2020		
	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	0	0	0
Forgery and Counterfeiting	0	0	0	0	0	0	0	0	0
Fraud	0	0	0	0	0	0	1	220	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	0	0	0	0	0	0	1	220	1
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	0	0	0
Drug Abuse Violations	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
Gambling	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
Offenses Against Family & Children	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	0	0	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
TOTAL PART II OFFENSES	0	0	0	0	0	0	2	440	1
TOTAL PART I & PART II OFFENSES	0	0	0	0	0	0	4	881	2

Wilkes-Barre	
2020: Employees	92
Students	362

*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-Student Conduct-Intervention
570-675-9225

Counseling Services
570-675-9282

These policies and procedures are subject to change at any time. U.Ed. FIN
21-21 MPC S157262

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

All students are urged to register to vote in local, state, and national elections. Go to:
<https://www.pavoterservices.pa.gov/pages/VoterRegistrationApplication.aspx> to apply.