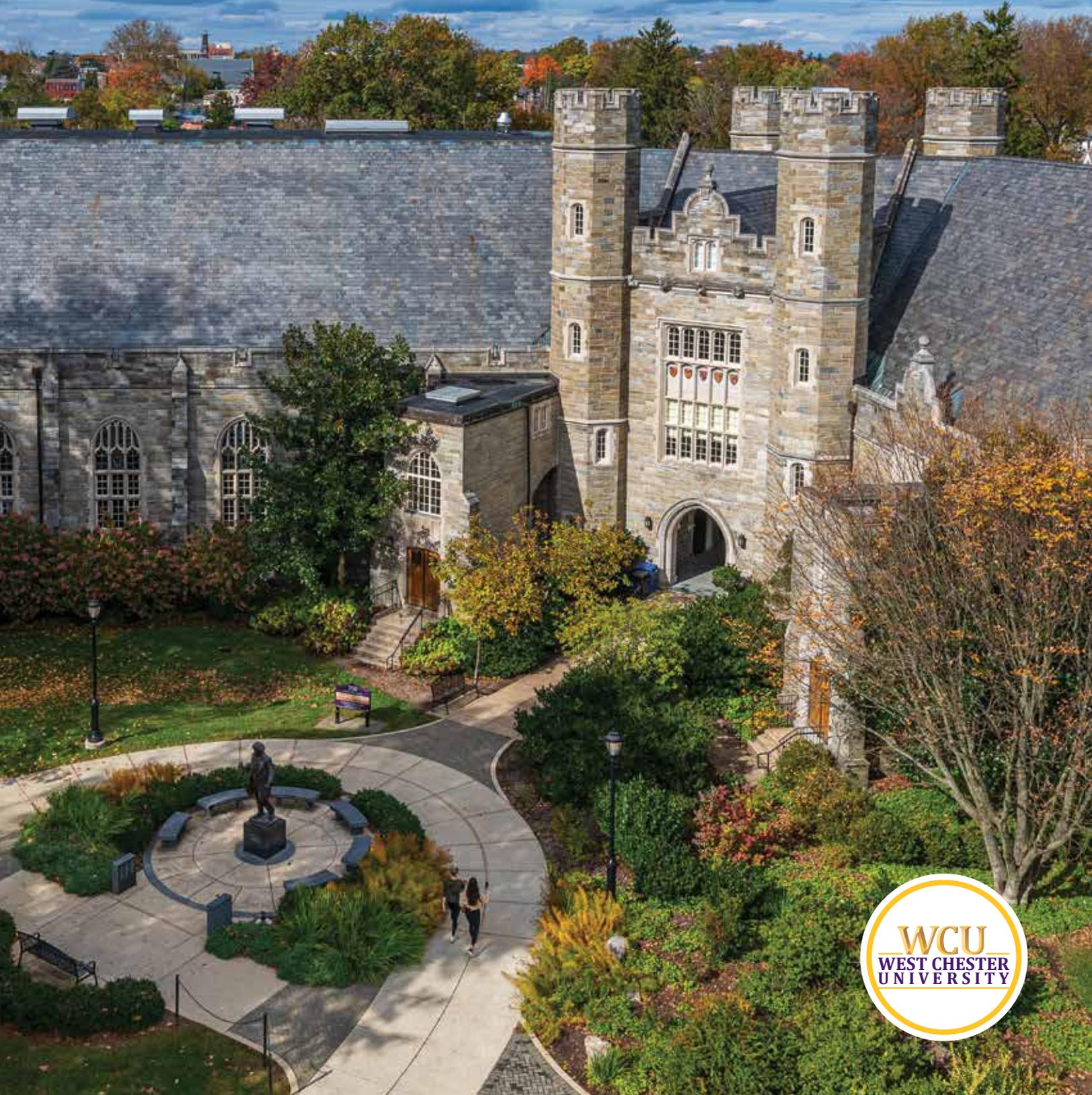


# 2020 ANNUAL CAMPUS SECURITY & FIRE SAFETY REPORT

REPORTING FOR MAIN CAMPUS, GRADUATE CENTER AND EXTON  
CAMPUS • CALENDAR YEAR 2019





**Contents**

**INTRODUCTION.....5**

**STUDENT & EMPLOYEE POPULATION FALL SEMESTER 2019 ..... 6**

**GEOGRAPHIC LOCATIONS FOR CLERY REPORTING .....6**

**CRIME REPORTS .....6**

    Who is responsible for campus security? ..... 6

    What is the policy on encouraging the reporting of crime?.....7

    What are the on-campus locations and phone numbers for voluntary confidential reporting of crimes? ...7

    What is the enforcement authority and jurisdiction of WCU Public Safety personnel?..... 8

    How does Public Safety work with state and local law enforcement agencies? ..... 8

    What is the policy on reporting criminal incidents to state and local law enforcement?..... 8

    What are the procedures for students and others to report criminal activity or other emergencies occurring on campus and how does the University respond to such reports? ..... 8

    Daily Crime Log ..... 9

    Fire Log .....10

<b>CAMPUS NOTIFICATIONS .....</b>	<b>10</b>
How does West Chester University notify the campus community of crimes that may pose a serious or continuing threat to students and/or employees? .....	10
Annual Emergency Preparedness Exercise .....	11
How does West Chester University notify the campus community of emergency response and evacuation procedures? .....	11
How and when does West Chester University inform the campus about an immediate threat and what is the policy on notifying the campus community of an emergency? .....	12
<b>CAMPUS EVACUATIONS.....</b>	<b>13</b>
How are emergency evacuations handled at the University? .....	13
Evacuation procedures for persons with disabilities.....	14
What is the policy for preparation of the Annual Security and Fire Safety Report?.....	14
<b>CAMPUS ACCESS.....</b>	<b>15</b>
What is the policy about access to University facilities and programs by students, employees, guests, and other individuals? .....	15
<b>DISSEMINATION OF SECURITY AND ENFORCEMENT INFORMATION.....</b>	<b>15</b>
What security awareness and crime prevention programs are available to inform students and employees about security and enforcement procedures? .....	15
<b>SECURITY OF CAMPUS FACILITIES .....</b>	<b>16</b>
What type of student housing is available at West Chester University?.....	16
What is the policy on housing assignments and requests by students for assignment changes? .....	16
How are student-housing facilities secured? .....	16
How many employees are assigned to University and Affiliated housing facilities? .....	16
What is the policy for housing student during low occupancy periods, such as holidays and vacations? ...	16
What is the policy for housing guests or others not assigned to student housing or not regularly associated with the University?.....	16
What other areas does Public Safety staff on campus?.....	17
What security considerations are given to the maintenance of campus facilities including landscaping, grounds keeping and outdoor lighting?.....	17
<b>ALCOHOL, DRUGS AND WEAPONS POLICIES.....</b>	<b>17</b>
What is the policy on possession, use or sale of alcohol and illegal drugs? .....	17
What types of drug and alcohol abuse educational programs are offered?.....	18
What are the penalties for those criminally charged with the abuse of alcohol or drugs?.....	18
Where can I obtain more information on educational programs related to drug and alcohol abuse prevention, sanctions for violations of federal, state and local laws and University policy; a description of health risks associated with alcohol and other drug use and a description of available treatment programs for WCU students and employees? .....	18
What is the policy on possession and use of weapons by Public Safety personnel? .....	18
What is the policy about employees or students with criminal records? .....	18
What is the policy on investigating missing students who reside in on-campus housing? .....	19
What is the policy concerning monitoring non-campus crime? .....	19
How does the University report incidents for on-campus properties?.....	19
How does the University report incidents for campus residential facilities? .....	19
How does the University report incidents for non-campus properties?.....	19
How does the University report incidents for public properties? .....	19
How does the University respond to crimes involving bias?.....	20

<b>FIRE SAFETY REPORT .....</b>	<b>20</b>
<b>GENERAL FIRE SAFETY .....</b>	<b>20</b>
Fire Drills .....	21
<b>WEST CHESTER UNIVERSITY JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013.....</b>	<b>34</b>
<b>DEFINITIONS .....</b>	<b>34</b>
<b>EDUCATION AND PREVENTION PROGRAMS WCU .....</b>	<b>36</b>
West Chester University offered the following primary prevention and awareness programs for all incoming students in 2019: .....	36
West Chester University offered the following ongoing prevention and awareness programs for employees in 2018:.....	38
<b>PROCEDURES FOR REPORTING A COMPLAINT .....</b>	<b>39</b>
<b>ASSISTANCE FOR VICTIMS: RIGHTS &amp; OPTIONS .....</b>	<b>42</b>
FAQ's REGARDING PROTECTION FROM ABUSE.....	42
FAQ's REGARDING PROTECTION FROM SEXUAL VIOLENCE OR INTIMIDATION (PSVI).....	44
Employee sexual misconduct policy and procedures overview .....	46
Student sexual misconduct policy and procedures overview .....	50
Confidentiality and Reporting .....	51
On and off campus services for victims.....	52
How to be an active bystander .....	53
<b>ADJUDICATION OF VIOLATIONS.....</b>	<b>54</b>
Sexual Misconduct Reporting form.....	55
<b>WEST CHESTER UNIVERSITY DISCIPLINARY PROCEDURE.....</b>	<b>55</b>
<b>APENDIX A: MAIN CAMPUS.....</b>	<b>60</b>
<b>APPENDIX B: GRADUATE CENTER .....</b>	<b>65</b>
<b>APPENDIX C: EXTON CAMPUS – ARREST STATISTICS.....</b>	<b>70</b>
<b>APPENDIX D: MASS NOTIFICATION POLICY .....</b>	<b>75</b>
<b>APPENDIX E: CLERY DESIGNATED DEFINITIONS .....</b>	<b>78</b>
<b>APPENDIX F: DEFINITION OF TERMS AS DEFINED BY PENNSYLVANIA STATE CRIMINAL STATUTES.....</b>	<b>81</b>
<b>APPENDIX G: PHYSICAL ADDRESSES FOR CAMPUS PROPERTIES .....</b>	<b>91</b>



# 2020 ANNUAL CAMPUS SECURITY & FIRE SAFETY REPORT

FOR 2019-2020 ACADEMIC YEAR, CONTAINING  
CRIME STATISTICS FOR 2017, 2018, AND 2019

## Introduction

West Chester University of Pennsylvania is a comprehensive, state-owned institution, the largest of the 14 institutions that compose the Pennsylvania State System of Higher Education. The main campus is located in West Chester, Chester County, Pennsylvania approximately 25 miles west of Philadelphia and 17 miles north of Wilmington, Delaware. Residential facilities for the University are located at the main campus only.

West Chester University has a Graduate Center located approximately 4 miles from the main campus at 1160 McDermott Drive in West Goshen Township, Chester County, Pennsylvania. The West Chester University Exton Campus is located approximately 7.5 miles from the main campus at 930 East Lincoln Highway Suite 100 in West Whiteland Township, Chester County, Pennsylvania. The Exton campus houses the Department of Nursing. West Chester University also has an agreement with the Marple Campus of the Delaware County Community College to host classes allowing DCCC graduates to earn a B.S. in Business Management through WCU.

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

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

## STUDENT & EMPLOYEE POPULATION FALL SEMESTER 2019

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

### MAIN CAMPUS

ENROLLMENT	
Undergraduate	14,615
Graduate	3,054
<b>Total</b>	<b>17,669</b>
RESIDING ON CAMPUS	
Undergraduate	5,149
Graduate	38
<b>Total residing on campus</b>	<b>5,187</b>
Non-Student Employees	1,986
<b>Total Main Campus</b>	<b>19,655</b>

### GRADUATE CENTER CAMPUS

ENROLLMENT	
Undergraduate	53
Graduate	161
<b>Total</b>	<b>214</b>
Non-Student Employees	47
<b>Total Graduate Center Campus</b>	<b>261</b>

### EXTON CAMPUS

ENROLLMENT	
Undergraduate	28
Graduate	7
<b>Total</b>	<b>35</b>
Non-Student Employees	15
<b>Total Exton Campus</b>	<b>50</b>

### DCCC Campus

ENROLLMENT	
Undergraduate	9
Graduate	9
<b>Total</b>	<b>18</b>
Non-Student Employees	4
<b>Total DCCC Campus</b>	<b>12</b>
<b>Total student / employee population</b>	<b>19,978</b>

## Geographic Locations FOR CLERY REPORTING

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

### On Campus

*“Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as food or other retail vendor).”*

For West Chester University, in addition to all University owned or controlled facilities and property on the Main Campus, Graduate Center Campus and Exton Campus. Student housing on campus owned by the WCU Foundation and operated by University Student Housing as well as properties owned by the WCU Foundation used for student housing located at 812 South Church Avenue in West Goshen Township and 534 South High Street in West Chester Borough, the building and property owned by the Foundation located at 202 Carter Drive in West Goshen Township as well as all parking facilities located on campus will be included as “On Campus.” All crimes that were reported as occurring in any of these residential facilities will be a sub-set of “On Campus.”

### Public Property

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

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

### Non-Campus

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

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

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

## CRIME REPORTS

Clery crimes, arrests, and disciplinary action along with Uniform Crime Reporting statistics for the Main Campus, Graduate center and Exton Campus are located in Appendices A-C.

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

### Who is responsible for campus security?

#### Main Campus

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

The Division of Police Services consists of 25 full-time sworn police officers who have received training under the Municipal Police Officers’ Education and Training Act (Act

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

The Division of Security Services employs 12 full-time and 15 part-time seasonal non-sworn security officers. Their primary responsibility is to provide security coverage in and around the main campus residential areas. There are security officers assigned to academic facilities as well.

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

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

All full-time employees of the Department of Public Safety receive, in addition to any state mandated or specialty training, a minimum of 40 hours of in-service training annually, including CPR and first aid training.

### Graduate Center

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

### Exton Campus

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

and emergencies that occur at the at the Exton campus.

### DCCC Marple Campus

The Department of Safety and Security at DCCC provides the primary response to all emergency and non-emergency calls at all campuses and centers. All officers are uniformed college employees. The main security office is in Room 2200 of the Academic Building on the Marple campus (901 S. Media Line Road, Media, PA 19063). Emergencies should be reported to 610-359-5111 or dial 911. Security at this facility is not associated with the WCU Department of Public Safety.

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

The University and the Department of Public Safety strongly encourage faculty, staff, students and guests too promptly and accurately report any potential crimes or suspicious activity, including when the victim elects to, or is unable to, make such a report.

The West Chester University main campus community is to notify the Department of Public Safety by calling 610-436-3311, those at the Graduate Center campus should notify the West Goshen Township Police by calling 610-696-7400 or dialing 911 and those at the Exton Campus should notify the West Whiteland Township Police by calling 610-363-9525 or by dialing 911.

### Pastoral and Professional Counselors

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

**Pastoral Counselor** – An employee of an institution who is associated with a religious order or denomination recognized by that

religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

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

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

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Department of Public Safety officer can file a report of the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of reported sexual violence and other violations that may be sex- or gender-based). The purpose of a confidential report is to comply with your wish to keep the matter confidential while taking steps to enhance the future safety of yourself and others. With such information, West Chester University can keep an accurate record of the number of incidents involving students, employees, and visitors to determine where there is a pattern of crime with regard to a particular location, method, or assailant and to alert the campus community to a potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

### Other Reporting Resources

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

Department of Public Safety	610-436-3311	Peoples Building
Director of Public Safety	610-436-3478	Peoples Building
Vice President for Student Affairs	610-436-3301	624 South High Street
Director Residence Life	610-436-3307	Lawrence Center
Director of Student Conduct	610-436-3511	Ruby Jones Hall Room 200
AVP Human Resources	610-436-3309	201 Carter Drive Suite 100
Director of Student Health	610-436-2509	Commonwealth Hall Ground
Chief Diversity, Equity, and Inclusion Officer	610-436-2433	114 West Rosedale Ave
Exec. Director of Communications	610-436-3383	Wayne Hall Room 200
Dir. Ctr. for Women and Gender Equity	610-436-2122	Lawrence Center
Director of Admissions	610-436-3414	Messikomer Hall

Reports of criminal activity that are brought to the attention of the Dean of Students, Residence Life and Housing Services, any student organization or activity advisor, athletic coaches, intramural sport advisors, and medical health professionals are required to be reported annually and, as such, are brought to the attention of the Department of Public Safety either by the victims or by the person receiving the report.



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

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

University security officers are authorized to enforce University policies and procedures on campus property and may detain individuals for violations until custody can be transferred to a police officer. University security officers do not have the authority to make arrests. The patrol jurisdiction of security officers is limited to any buildings or properties owned or controlled by West Chester University. For violations of the Student Code of Conduct, University security officers may submit reports of those violations to the Office of Student Conduct who will make the charging decision regarding those alleged policy violations.

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

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

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

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

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

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

#### Main Campus

The campus community can report criminal activity, fires, or medical emergencies on the Main Campus by calling the Public Safety Dispatch Center at 610-436-3311, by dialing 911 from any campus phone, by using any campus emergency phone, or by appearing in person at the Peoples Building (located on the NW corner of South Church Street and University Avenue). Those who wish to report a crime but remain anonymous may contact the Campus Crime Tip Line at 610-436-3100. The Chester County Department of Emergency Services would be contacted to dispatch Fire/Rescue/EMS services as required.

#### Graduate Center

The Graduate Center campus community can report criminal activity, fires, or medical emergencies on the Graduate Center Campus by calling the West Goshen Township Police at 610-696-7400 or by dialing 911. Those who wish to report a crime but remain anonymous may contact the Campus Crime Tip Line at 610-436-3100. The Chester County Department of Emergency Services would be contacted to dispatch Fire/Rescue/EMS services as required.

#### Exton Campus

The Exton campus community can report criminal activity, fires, or medical emer-



agencies on the Graduate Center Campus by calling the West Whiteland Township Police at 610-363-9525 or by dialing 911. Those who wish to report a crime but remain anonymous may contact the Campus Crime Tip Line at 610-436-3100. The Chester County Department of Emergency Services would be contacted to dispatch Fire/Rescue/EMS services as required.

### All Campuses

Even if a student is a victim of a crime but does not wish to pursue criminal or student conduct violations, they are still encouraged to contact Student Affairs to file a confidential report. For sexual misconduct incidents, the Title IX office can be contacted to submit a report without notifying law enforcement. However, the Department of Public Safety encourages accurate and prompt reporting of all crimes to the campus police or the appropriate municipal police agency, including when the victim elects to, or is unable to, make such a report. Doing so helps the Department accurately report crime statistics, determine whether crime patterns are present, and better protect the campus community from future criminal acts.

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

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

### Response to Reports of Crime

Public Safety maintains a 24-hour dispatch center to answer all calls for assistance. Upon receiving a request for assistance, an officer and any other appropriate resources can be immediately dispatched to the location or the victim may be asked to respond to the Department of Public Safety to file an incident report.

In cases involving criminal activity on main campus, University police officers will respond and conduct an investigation and may become a matter of public record. Information regarding all arrests of students made by University police for criminal violations on campus is forwarded to the Office of Student Conduct for review and potential action as appropriate. Arrests of University students by municipal police agencies that are brought to the attention of the Department of Public Safety are also forwarded to the Office of Student Conduct. All students are held accountable for their behavior both on and off campus property. If assistance is required from the West Chester or West Goshen Police Departments, the West Chester Fire Department or Good Fellowship Ambulance, the Department of Public Safety will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including the Department of Public Safety, provide the student with directions on how to obtain the services provided by the University.

### Daily Crime Log:

#### Main Campus

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

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

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

#### Example of a Daily Crime Log:

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

## Graduate Center and Exton Campus

For information about crimes at the Graduate Center, contact the West Goshen Township Police located at 1025 Paoli Pike West Chester, PA. For information about crimes at the Exton Campus, contact the West Whiteland Township Police located at 101 Commerce Drive Exton, PA. For information about crimes at the DCCC Marple Campus, contact the Safety and Security Office on that campus.

### Fire Log:

#### Main Campus

A fire log is available for review at the Department of Public Safety from 8:00 a.m. – 4:30 p.m. Monday through Friday, excluding holidays. The fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location.

#### Graduate Center, DCCC and Exton Campus

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

## Campus Notifications

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

A campus wide “Timely Warning” will be issued for any Clery Act crime that is reported to any Campus Security Authority (CSA) or local police agency that in the judgement of the Director of Public Safety (in consultation with responsible authorities when time permits), represents a serious or continuing threat to students and employees, and that occurs on or within the University’s Clery geography. The Clery geography is defined as the core campus boundaries including university owned or controlled property on campus, public property that is within or immediately adjacent to the campus and in Clery defined non-campus properties.

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

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an ongoing threat to the larger West Chester University Community).
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case by case basis).
- Sexual Assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Director of Public Safety or designee. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is not ability to distribute a Time Warning Notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice).
- Major incidents of Arson
- Other Clery crimes as determined necessary by the Director of Public Safety or his/her designee in his/her absence.

## Federal timely warning notification

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

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

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



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

► **Subscribe to receive text messages of campus emergencies, timely warnings, and/or weather-related cancellations at [www.wcupa.edu/wcualert](http://www.wcupa.edu/wcualert).**

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

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

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

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

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

West Chester University Emergency Response Guideline:

<https://www.wcupa.edu/dps/emergency-management/documents/EmergencyResponseGuideline.pdf>

West Chester University Emergency Response Pocket Guide:

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

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

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

During the first week of the fall semester 2019, a mass evacuation drill was planned by the Department of Environmental

Health and Safety in cooperation with the Department of Public Safety and Residence Life and Housing. All residential facilities on the main campus were scheduled for a simultaneous emergency evacuation drill. Only senior staff in the hosting departments were aware of the date and time of the drill. General staff and students were not advised in advance. The objectives of this exercise were:

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

Fire evacuation drills are conducted on an every other month basis in each residence hall when they are occupied and at least twice per year in all other buildings. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

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

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

includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

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

General information about the emergency response and evacuation procedures for West Chester University are publicized via email at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act as part of the institution's Clery Act compliance efforts and that information is available on the West Chester University Department of Public Safety web site: [www.wcupa.edu/dps](http://www.wcupa.edu/dps) Detailed information about and updates to the West Chester University Emergency Preparedness efforts are available at:

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

All members of the University Community are notified on an annual basis (via this document) that they are required to notify the Department of Public Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Individuals can report an emergency occurring on campus by calling (610) 431-3311. In the event of an emergency, West Chester University will initiate and provide without immediately notifications to the appropriate segments(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, employees, and visitors.

The Department of Public Safety has the responsibility of responding to and summoning the necessary resources to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the

Department of Public Safety has a responsibility to respond to such incidents to determine if the situation does in fact pose a threat to the health and safety of the community. If that is the case, federal law requires that the institution immediately notify the campus community or the appropriate segment(s) of the community that may be affected by the situation.

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

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

fire. The policy is contained in this document as Appendix D and can be found on-line at the following website:

<https://www.wcupa.edu/dps/emergency-Management/documents/UniversityMass-CommunicationsPolicy.pdf>

The campus emergency notifications systems are tested twice annually in 2019. The tests were conducted on February 14th, and September 20th.

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

- Vice President for Student Affairs** – Dr. Zebulun Davenport
- Vice President for University Affairs and Chief of Staff** – Dr. John Vilella

- Vice President for Finance and Administration** – Mr. Todd Murphy
- Director for Equity and Compliance** – Ms. Lynn Klingensmith
- Director of Public Safety – Director/Chief of Police** – Mr. Raymond Stevenson

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

Emergency notifications may be issued by some or all of the following methods depending on the type of emergency, the University Alert System (which contains the following types of communication: text messaging, email blasts, WCU webpage, digital signage, television monitors, social media, external speaker broadcasts and in person notifications. Should any of these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/ Distributor	Backup Message Sender/ Distributor
Text Messaging	Director DPS	Assoc. Director DPS			
Email Blast	Director DPS	Assoc. Director DPS			
Webpage	Information Services				
Digital Signage	Information Services				
Social Media	Office of Communications				
External Speakers	Director DPS	Assoc. Director DPS			



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

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

**Secondary communications distribution methods:**

In an emergency, secondary communication methods, including face-to-face communication by appropriate officials, may be activated as circumstances dictate.

Communication Channels	Responsible Party
Posting messages to West Chester University website, My WCU, Blackboard, & Webmail	Information Services and Technology Division
Activate a recorded message for those using WCU voice mail functionality	Information Services and Technology Division
Announcements via electronic bulletin boards	Information Services and Technology Division Director of Sykes Union
Activate University's emergency public address system, sirens, and blue light stations	Director of Public Safety
Announcements via police cruiser public address systems, bullhorns, or digital signage	Director of Public Safety
Request reverse 911 telephone message via the Chester County Emergency Services System	Director of Public Safety
Contact selected news media (radio & TV stations) including WCU's radio station (91.7 FM)	Executive Director Communications
Announcements via individual public address systems where available	Facility Administrators
Announcements on football scoreboard/Farrell Stadium	Director of Athletics
Telephone Trees or phone Chains	Building Administrators, Assistant Building Administrators, Student Affairs.

**Post Emergency Communication:**

The University will issue follow up messages and an “all clear” message to convey the University’s return to normal operations to all faculty, staff and students via University assigned email accounts, the West Chester University homepage, and text message to WCU Alert subscribers. Details regarding the incident will be communicated on the University’s homepage.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the West Chester University homepage.

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

**Campus Evacuations**

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

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

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

**Main Campus and Graduate Center Only**

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

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

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

The type of incident.

- The location of the incident, if known, and what the reader’s response should be (Example: Person with gun on campus. Secure yourself in a safe place and wait for police.)
- Initial emergency communications will convey only the most critical information.

- As the situation or emergency unfolds, the University will post interim announcements and/or instructions on the homepage.
- The University will issue an All Clear message to convey the University's return to normal operations via the primary communication methods.

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

If you are advised to evacuate a building either by the activation of the fire alarm system or verbally by Public Safety or other Building Administrators, please evacuate immediately. Evacuate from below level and upper floors by using designated stairways; do not use elevators. If you have special assistance needs, become familiar with the closest "Area of Rescue Assistance" and someone will help you to evacuate. If possible, to do so safely, take your belongings with you and do not return to the building once you have left for any reason.

If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify the Department of Public Safety 610-436-3311 or dial 911.

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

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

If there is a suspected or confirmed hazard outside of a building, occupants may be required to shelter in place. Occupants may be instructed to move from their current

location to other areas inside of a building, dependent on the type of hazard. Once sheltered, please remain in that area unless it is unsafe to do so or you have been instructed to re-locate.

### Basic "Shelter-in-Place" Guidance

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

### How You Will Know to "Shelter-in-Place"

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

### How to "Shelter-in-Place"

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

If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

1. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
2. Without windows or with the fewest number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.

5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to the Department of Public Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

### Evacuation procedures for persons with disabilities.

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

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

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

- Department of Public Safety
- Department of Environmental Health and Safety
- Department of Athletics
- Office of Student Conduct
- Office of Fraternity and Sorority Life
- Office of Student Leadership and Involvement
- Office of Human Resource Services
- Office of the Title IX Coordinator
- Office of Institutional Research

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

Department of Counseling and Psychological Services staff informs their clients of the

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

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

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

## Dissemination of Security and Enforcement Information

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

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

During the 2018-2019 academic year, the Department of Public Safety offered (4) four crime prevention and security awareness programs. Topics such as personal safety, residence hall security, drug and alcohol abuse awareness and sexual assault prevention are some examples of programs offered during the prior academic year.

During student and employee orientation sessions, new students and new employees are informed of security and enforcement

procedures by Department of Public Safety personnel. Orientation for new students occurs every summer and involves all incoming students and their families. Orientation for new employees is conducted every few months as needed.

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

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

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

As part of the department's community-oriented policing philosophy, the Department of Public Safety offers crime prevention presentations each semester to residence halls, classrooms, campus clubs and student groups as well as employees as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Public Safety also offers training for response to active shooter known as A.L.I.C.E.

R.A.D. Systems self-defense courses are offered several times each semester. You can register on-line for these courses. A.L.I.C.E.



## Campus Access

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

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

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

training and other types of crime prevention programs are conducted as requested throughout the year. All programs offered by the Department of Public Safety are free of cost. Anyone interested in having a Department of Public Safety Officer speak to a class or group should contact them at 610-436-3311



## SECURITY OF CAMPUS FACILITIES

Public Safety Officers conduct routine patrols of all campus buildings to evaluate and monitor security related matters, including on campus student housing facilities

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

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

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

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

Housing assignments are initially made for an entire academic year. Returning students

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

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

### How are student-housing facilities secured?

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

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

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

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

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

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

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

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

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

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

The University does not permit cohabitation or patterns of extended visitation in the

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

### **What other areas does Public Safety staff on campus?**

Frances Harvey Green Library is staffed with Security Officers seven days a week. Security Officers staffing the library are responsible for active patrol of the library and grounds around the clock beginning Monday morning through Friday evening and between the hours of 9 am and 6 pm on Saturday and Sunday. This position is responsible for patrolling all interior and exterior areas of the Library, checking for any security or safety problems, and reporting all crimes to our dispatch center. Monitoring patrons for unruliness or loudness and enforcing all University regulations.

The Security Officer is also responsible for assisting with the evacuation of the Library during closing, locking doors, and activating the alarm panel. Additional duties include assisting in medical emergencies, fires, and fire drills.

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

University facilities and campus outdoor lighting are maintained to minimize hazardous conditions. Malfunctioning lighting and other unsafe conditions are reported to Facilities Management for repair or correction. Parking lots and pathways are illuminated on campus. In addition, the Department of Public Safety completes a lighting and physical security report monthly, which is submitted to the Facilities Management Department. A Security Officer is responsible for conducting door security checks for all academic and administrative buildings on the Main campus throughout the work week. Security Officers check exterior doors on residential facilities daily. Any exterior doors that are found to be malfunctioning are submitted for service daily to Facilities Management. The Grounds Maintenance department to ensure there are no security concerns caused by overgrowth or decay of vegetation monitors trees, shrubs, bushes, and other landscaping. Other members of the University community are helpful when they report equipment problems to the Department of Public Safety (610-436-3311) or to Facilities Management Department (610-436-2444).



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

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

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

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

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

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

West Chester University campus violation of the University's alcohol policy as set forth in the Student Handbook shall be construed as a violation of this section. Any off-campus violation is a violation of this section when such off-campus use violates local, state, or federal laws. Exceptions to the alcohol violation are noted in the Medical Amnesty Policy. This section shall include, but is not limited to, (a) display of empty alcohol containers in any University facility, residence hall, or any affiliated University housing, (b) sale, exchange, use, possession, or consumption of alcoholic beverages on campus over 21 years of age, (c) underage use, possession, or consumption of alcoholic beverages, (d) open containers of alcoholic beverages, (e) public intoxication, and (f) driving under the influence. As it is a violation of this policy to possess alcohol, demonstrating that a student has knowledge of the location of alcohol and/or the intent to exercise

control over the alcohol shall constitute possession. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student found responsible of (g) selling and/or furnishing alcohol to minors.

### **Drugs and or drug paraphernalia:**

Students who exhibit drug use or abuse or any other violation of the University's drug policy, as set forth in the Student Handbook, shall be considered in violation of this section. This includes, but is not limited to, (a) possession or use of any illegal or controlled substance, drug, and/or (b) possession of drug paraphernalia, (c) possession of a significant quantity, distribution, or sale of drugs, and/or (d) driving under the influence. Any off-campus violation is a violation of this section when such off-campus use or possession is in violation of local, state, or federal laws. Demonstrating that a student has knowledge of the location of any illegal or controlled substance, drug or drug paraphernalia, and/or the intent to exercise control over such items shall constitute possession. Use of legal or prescribed substances (e.g., inhalants) in a fashion designed to alter one's mental or physical state will be considered reckless behavior as described in the Infliction of Harm section (see I.C.1.c).

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

Drug and alcohol abuse education programs are available for students through the Division of Student Affairs at the Student Health and Wellness Center and at the Counseling and Psychological Services Center. Programs for employees are available through Human Resources at 201 Carter Drive. Counseling professionals, guest speakers, and extensive literature on these subjects are available through these offices. The University also utilizes available county support agencies that offer assistance, including 24-hour hot lines and the State Employee Assistance Program.

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

Anyone in possession of illegal drugs or paraphernalia can be charged under PA Crimes Code Title 18 for alcohol offenses, or for a controlled substance offense, Penn-

sylvania Crimes Code Title 35. Penalties for a first offense upon conviction can include fines of no less than \$500 and possible imprisonment up to 15 years.

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

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

In compliance with the Drug Free Schools and Communities Act, West Chester University publishes information regarding the University's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and University policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for West Chester University students and employees. A complete description of these topics, as provided in the University's annual notification to students and employees, is available online at the following website:

[https://www.wcupa.edu/\\_services/STU/ramsEyeView/drugFreeCampus.aspx](https://www.wcupa.edu/_services/STU/ramsEyeView/drugFreeCampus.aspx)

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

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

Persons who do not have specific authorization from the Director of Public Safety are prohibited from possessing weapons of any

kind in any University and affiliated buildings or at outdoor sporting, recreational, entertainment or educational events on University property. Violators may be subject to criminal prosecution, disciplinary action, or student conduct processing.

### **What is the policy about employees or students with criminal records?**

As part of the pre-employment process, Human Resources conducts background checks in the form of specific criminal and consumer reporting verifications for all employee recruitments except for work-study students. Conviction of a criminal offense does not bar one from employment in all cases. Each case is considered individually on its merits. If the University administration discovers that a current employee has been convicted of a criminal offense, the University reserves the right to review the conviction in relation to the employee's current position and, if warranted, take action to either reassign or dismiss the employee.

The West Chester University policy is available online at the following website:

[www.passhe.edu/inside/ce/pages/protection-of-minors.aspx](http://www.passhe.edu/inside/ce/pages/protection-of-minors.aspx)

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

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

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

---

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

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

If members of the WCU community believe that a student has been missing for 24 hours, it is critical that they report that information to Department of Public Safety by calling (610-436-3311). Should a resident student be determined to be missing, the contact person(s) provided by the student will be notified within 24 hours by University officials. If multiple contacts are requested by the student, then all contacts will be notified even if the first contact reports the student is not missing.

This notification process will continue until the student in question is in direct contact with the Institution and confirms he or she is safe. The official making the contacts will document these notifications, including those that are unsuccessful.

As part of the investigation, the Department of Public Safety within 24 hours will notify the parent or guardian of any missing person who is under the age of 18 years old who has not been emancipated and any other designated contact person within 24 hours.

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

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

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

---

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

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

## How does the University report incidents for on-campus properties?

---

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

## How does the University report incidents for campus residential facilities?

---

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

## How does the University report incidents for non-campus properties?

---

Statistics for non-campus properties include all incidents known to the University that are reported to local municipal police agencies. This includes one home owned by a WCU recognized fraternity located at 614 South Walnut Street and a home converted into apartments owned by the WCU Foundation and operated by private management company located at 534 South High Street, both in the Borough of West Chester.

## How does the University report incidents for public properties?

---

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

## How does the University respond to crimes involving bias?

West Chester University supports and encourages programs that benefit all people and that seek to eradicate discrimination and injustice. This message is included in the West Chester University “Values Statement,” which is displayed in every University building. Incidents involving bias can be reported on-line at [https://www.wcupa.edu/\\_SERVICES/stu.jud/reportIncident.aspx](https://www.wcupa.edu/_SERVICES/stu.jud/reportIncident.aspx) and are vetted by the Office of Diversity, Equity, and Inclusion. Information is shared with the Campus Climate Intervention Team (CCIT), which includes a representative of the Department of Public Safety. If necessary, Public Safety will investigate any incident involving bias against any individual or group due to race, gender, religion, sexual orientation, ethnicity, or disability. Incidents of this nature are responded to immediately and are recorded by Public Safety separate from other incident types.

## GENERAL FIRE SAFETY

West Chester University has established fire safety regulations for your protection. Fire Safety Policies as well as timely information on consumer product hazards, seasonal fire safety tips, and fire safety statistics can be found on-line.

<https://www.wcupa.edu/hr/environmentalHealth/fireSafety.aspx>

The following are general fire safety regulation that you should be familiar:

- The presence or use of incense burners, candles, or any other device with an open flame is prohibited in all residential facilities.
- Smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in all university buildings. Smoking is only permitted in approved designated smoking areas on campus.
- All electrical equipment and/or appliances must bear the seal of approval of the “Underwriter’s Laboratories, Inc.” (UL) to be approved for use in campus facilities.
- Other than the approved use of microwaves in residential rooms and apartments, cooking is restricted to designated kitchens within campus facilities. With the exception of approved microwaves, cooking appliances such as hot plates, toasters, toaster ovens, electric grills, and other similar type heating devices are prohibited in student rooms in the residence halls. This restriction does not include the use of these items in the resident Apartment Complexes on campus.
- Surge protection strips must be plugged individually into an outlet and shall not be plugged into each other. Surge protectors have been supplied by Environmental

## FIRE SAFETY REPORT (MAIN CAMPUS)

**This report complies with the Clery Act and the Campus Fire Safety Right to Know Act. This report is based on reporting documents and includes affiliated housing on the West Chester University campus. The Graduate Center and the Exton Campus do not have residential facilities.**

### Residence Hall Fire Safety

**General Fire Safety Guidelines for WCU can be found at the following website:**

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

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

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

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

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

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

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

Health and Safety in each student resident room and these are the only surge protectors approved for use in the residence halls.

- The storage of combustible or flammable materials including but not limited to propane tanks, lighter fluid, gasoline, paint solvents, etc., are prohibited in all campus housing facilities.
- Reporting false alarms, tampering with the fire detection or suppression devices, or otherwise threatening the life safety of members of any campus residential community is prohibited by law.

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

### Fire Drills

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

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

In the event of a fire, the University expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Department of Public Safety at 610-436-3311. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, University policy is that all occupants must evacuate from the building, closing doors as they leave. Training is not provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

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

Do not use the center stairwells unless no other safe alternative exists. These stairwells must be kept clear for use by emergency responders.

- Do not use the elevators to evacuate during an emergency. If you are unable to evacuate by yourself, go to the nearest Area of Rescue Assistance and if possible, contact Public Safety and tell them where you are located.
- Exit the building swiftly but calmly, do not run, but walk briskly to the nearest exit.
- After exiting the building, report to the pre-designated meeting location for your building. Do not leave this area or attempt to re-enter the building unless advised that it is safe to do so by Public Safety.

### Fire Prevention and Protection

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

- An automatic fire detection or suppression system is one that will operate and provide evacuation notification without human interaction.
- An addressable fire detection system is one where the location of the activated device (address) is reported back to the building fire alarm panel as well as the Dispatch Center to alert first responders as to the exact location of the incident.

- A full sprinkler system is one that covers all areas within a building to include living areas, corridors, lobbies, lounges, mechanical areas, and storage rooms.
- Portable fire extinguishers for residential facilities include ABC and CO2 units that will handle Class A fires (Ordinary Combustibles) Class B fires (Flammable Liquids) and Class C fires (Energized Electrical Equipment). Fire extinguishers are placed based on code required distances and type of hazard.

**Allegheny Hall** – An addressable fire detection system has been installed for all common areas (corridors, lobbies, lounges, fitness centers) and mechanical areas (electrical, HVAC, storage) within the building. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. Smoke detectors wired in series with battery backup are installed in each individual residential suite within the building. These smoke detectors only sound within that suite and do not activate the building's evacuation system. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All suites, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

**Brandywine Hall** – An addressable fire detection system has been installed for all common areas (corridors, lobbies, lounges, fitness centers) and mechanical areas (electrical, HVAC, storage) within the building. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. Smoke detectors wired in series with battery backup are installed in each individual residential suite within the building. These smoke detectors only sound within that suite and do not activate the building's evacuation system. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building.

All suites, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will

also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

**College Arms Apartments** – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and mechanical areas. Manual Pull Stations are located near all exits and portable fire extinguishers are located throughout the buildings including inside each apartment. All apartments, common areas, corridors and mechanical areas have a fully automatic sprinkler system.

**Commonwealth Hall** – An addressable fire detection system has been installed for all common areas (corridors, lobbies, lounges, fitness centers) and mechanical areas (electrical, HVAC, storage) within the building. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. Smoke detectors wired in series with battery backup are installed in each individual residential suite within the building. These smoke detectors only sound within that suite and do not activate the building's evacuation system. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All suites, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

**Goshen Hall** – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices

throughout the building to activate to notify occupants of the need to evacuate.

**Killinger Hall** – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

**Schmidt Hall** – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

**Tyson Hall** – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation

system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

**South Campus Apartments** – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and mechanical areas. Manual Pull Stations are located near all exits and portable fire extinguishers are located in the laundry room as well as in each apartment. All apartments, common areas and mechanical areas have a fully automatic sprinkler system.

**University Hall** – A fully addressable fire detection system has been installed for the entire building to include all student rooms, lobbies, lounges, corridors, and mechanical areas. Activation of detectors will cause horn/strobe devices throughout the building to activate to notify occupants to evacuate. The smoke detectors in the student rooms only sound within that room and do not activate the building evacuation system unless two or more detectors activate. Pull Stations are located near all exits as a means to manually activate the evacuation system and portable fire extinguishers are located throughout the building. All student rooms, common areas and mechanical areas have a fully automatic sprinkler system. Activation of the sprinkler system will also cause horn/strobe devices throughout the building to activate to notify occupants of the need to evacuate.

**The Village Apartments** – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and mechanical areas. Manual Pull Stations are located near all exits and portable fire extinguishers are located in each apartment. All apartments, common areas and mechanical areas have a fully automatic sprinkler system.

**The East Village Apartments** – All buildings that make up this apartment complex have a fully addressable fire detection system installed throughout the buildings in all apartments, common areas and mechanical areas. Manual Pull Stations

are located near all exits and portable fire extinguishers are located in each apartment. All apartments, common areas and mechanical areas have a fully automatic sprinkler system.

### Detection System Facts:

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

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

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

### Sprinkler System Facts:

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

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

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

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

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

### Portable Fire Extinguisher Facts:

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

**Class A – Ordinary combustibles**

**Class B – Flammable Liquids**

**Class C – Energized electrical equipment**

**Class D – Flammable Metals**

**Class K – Oils and Greases**

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

### Fire Safety System Facts:

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

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

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

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

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

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

### Health and Safety Inspections

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

### Fire Safety Education and Training Programs

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

view the following evacuation procedures. Members of the Environmental Health and Safety staff are available throughout the year to conduct fire safety training in the residence halls for resident students at the request of residence life staff.

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

In the event of a fire or other situation requiring the evacuation of occupants and the notification of emergency services personnel (police/fire/ EMS), please follow these directions;

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

6. Call Public Safety at (610) 436-3311 or extension 3311 and report the emergency once you are in a safe place.
7. DO NOT re-enter the building for any reason until Public Safety gives clearance to do so once everything is declared safe.

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

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

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

- Grill Permit Applicants
- All others upon request

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

### Fire Safety Improvements

The Environmental Health and Safety Department works with Simplex Grinnell to complete an upgrade to the fire alarm systems in all University buildings on Main Campus. The latest equipment and Simplex Technology are used to service the systems. WCU does or does not have current plans for future improvements to fire safety systems.

## ON CAMPUS STUDENT HOUSING FACILITY FIRE SAFETY SYSTEMS

BUILDING NAME	FIRE ALARM MONITORING DONE ON SITE (Public Safety)	SMOKE DETECTORS & PULL STATIONS	HORNS & STROBE LIGHTS	FULL SPRINKLER SYSTEM	PORTABLE FIRE EXTINGUISHERS	EVACUATION PLANS & PLACARDS	FIRE DRILLS CONDUCTED 2019
<b>ALLEGHENY HALL 121 West Rosedale Ave.</b>	Yes	Yes	Yes	Yes	Yes	Yes	4
<b>BRANDYWINE HALL 709 South New St.</b>	Yes	Yes	Yes	Yes	Yes	Yes	4
COLLEGE ARMS 721-733 South High St.	Yes	Yes	Yes	Yes	Yes	No	4
<b>COMMONWEALTH HALL 715 South New St.</b>	Yes	Yes	Yes	Yes	Yes	Yes	4
GOSHEN HALL 125 North Campus Dr.	Yes	Yes	Yes	Yes	Yes	Yes	4
KILLINGER HALL 115 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	5
SOUTH CAMPUS APTS 831-852 South Campus Dr.	Yes	Yes	Yes	Yes	Yes	No	4
SCHMIDT HALL 225 West Rosedale Ave.	Yes	Yes	Yes	Yes	Yes	Yes	5
TYSON HALL 225 North Campus Dr.	Yes	Yes	Yes	Yes	Yes	Yes	4
<b>UNIVERSITY HALL 180 University Ave.</b>	Yes	Yes	Yes	Yes	Yes	Yes	4
<b>THE VILLAGE APTS 181-193 Carey Dr.</b>	Yes	Yes	Yes	Yes	Yes	No	4
<b>EAST VILLAGE APTS 250-258 East Carey Dr.</b>	Yes	Yes	Yes	Yes	Yes	No	4

FACILITIES IN BOLD ARE OPERATED BY UNIVERSITY STUDENT HOUSING LLC

## ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2019

Residential Facility	Total Fires in Each Building	DPS Incident Number	Cause of Fire	Injuries (treatment at Med. Fac. Req)	Deaths Fire Related	Estimated Value Property damaged by Fire
<b>Goshen Hall 125 North Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Killinger Hall 115 West Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Schmidt Hall 225 West Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Tyson Hall 225 North Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments North 721 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A

<b>College Arms Apartments East 731 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments South 733 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 831 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 833 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 835 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 837 South Campus Drive</b>	<b>1</b>	<b>WC-19-000353</b>	<b>Stove top fire –un-attended cooking</b>	<b>0</b>	<b>0</b>	<b>\$100-999</b>
<b>South Campus Apartments 839 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 840 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 840 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 842 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 844 South Campus Drive</b>	<b>1</b>	<b>WC-19-000315</b>	<b>Oven Fire-unat-tended cooking</b>	<b>0</b>	<b>0</b>	<b>\$100-999</b>
<b>South Campus Apartments 846 South Campus Drive</b>	<b>1</b>	<b>WC-19-03565</b>	<b>Water Heater Malfunction</b>	<b>0</b>	<b>0</b>	<b>\$1,000-9,999</b>
<b>South Campus Apartments 848 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 850 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 852 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Alleghany Hall 121 W. Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Brandywine Hall 709 South New Street</b>	0	N/A	N/A	N/A	N/A	N/A

<b>Commonwealth Hall 715 South New St</b>	0	N/A	N/A	N/A	N/A	N/A
<b>University Hall 180 University Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Alleghany Hall 121 W. Rosedale Hall</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 182 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 183 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 184 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 185 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 186 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 187 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 188 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 189 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 190 Carey Drive</b>	<b>1</b>	<b>WC-19-01534</b>	<b>Overloaded Dryer</b>	<b>0</b>	<b>0</b>	<b>\$100-999</b>
<b>Village Apartments 191 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 192 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 193 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 250 East Carey Drive</b>	<b>1</b>	<b>WC-19-00274</b>	<b>Candle fell in trash can</b>	<b>0</b>	<b>0</b>	<b>\$0-99</b>
<b>East Village Apartments 252 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A

<b>East Village Apartments 254 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 256 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 258 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A

## ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2018

<b>Residential Facility</b>	<b>Total Fires in Each Building</b>	<b>DPS Incident Number</b>	<b>Cause of Fire</b>	<b>Injuries (treatment at Med. Fac. Req)</b>	<b>Deaths Fire Related</b>	<b>Estimated Value Property damaged by Fire</b>
<b>Goshen Hall 125 North Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Killinger Hall 115 West Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Schmidt Hall 225 West Rosedale Avenue</b>	<b>1</b>	<b>WC-18-03244</b>	<b>Microwave Fire - Overcooking</b>	<b>0</b>	<b>0</b>	<b>\$0-99</b>
<b>Tyson Hall 225 North Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments North 721 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments East 731 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments South 733 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 831 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 833 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 835 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 837 South Campus Drive</b>	<b>1</b>	<b>WC-18-03188</b>	<b>Oven Fire-unat- tended cooking</b>	<b>0</b>	<b>0</b>	<b>\$500-1,000</b>
<b>South Campus Apartments 839 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 840 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A

<b>South Campus Apartments 840 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 842 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 844 South Campus Drive</b>	<b>1</b>	<b>WC-18-03115</b>	<b>Grease fire - Dirty stove top</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>South Campus Apartments 846 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 848 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 850 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 852 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Alleghany Hall 121 W. Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Brandywine Hall 709 South New Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Commonwealth Hall 715 South New St</b>	0	N/A	N/A	N/A	N/A	N/A
<b>University Hall 180 University Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Alleghany Hall 121 W. Rosedale Hall</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 182 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 183 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 184 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 185 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 186 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A

<b>Village Apartments 187 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 188 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 189 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 190 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 191 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 192 Carey Drive</b>	<b>1</b>	<b>WC-18-00474</b>	<b>Grease fire - Dirty stove top</b>	<b>0</b>	<b>0</b>	<b>\$100-249</b>
<b>Village Apartments 193 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 250 East Carey Drive</b>	<b>1</b>	<b>WC-18-03853</b>	<b>Microwave Fire - Overcooking</b>	<b>0</b>	<b>0</b>	<b>\$100-249</b>
<b>East Village Apartments 252 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 254 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 256 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 258 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A

## ANNUAL FIRE REPORT – RESIDENTIAL FACILITIES – 2017

<b>Residential Facility</b>	<b>Total Fires in Each Building</b>	<b>DPS Incident Number</b>	<b>Cause of Fire</b>	<b>Injuries (treatment at Med. Fac. Req)</b>	<b>Deaths Fire Related</b>	<b>Estimated Value Property damaged by Fire</b>
<b>Goshen Hall 125 North Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Killinger Hall 115 West Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Schmidt Hall 225 West Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Tyson Hall 225 North Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments North 721 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments East 731 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>College Arms Apartments South 733 South High Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 831 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 833 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 835 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 837 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 839 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 840 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 840 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 842 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A

<b>South Campus Apartments 844 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 846 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 848 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 850 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>South Campus Apartments 852 South Campus Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Alleghany Hall 121 W. Rosedale Avenue</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Brandywine Hall 709 South New Street</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Commonwealth Hall 715 South New St</b>	0	N/A	N/A	N/A	N/A	N/A
<b>University Hall 180 University Avenue</b>	<b>1</b>	<b>WC-17-01910</b>	<b>Electrical Fixture</b>	<b>0</b>	<b>0</b>	<b>\$0-99</b>
<b>Alleghany Hall 121 W. Rosedale Hall</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 182 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 183 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 184 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 185 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 186 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 187 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 188 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A

<b>Village Apartments 189 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 190 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 191 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 192 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>Village Apartments 193 Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 250 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 252 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 254 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 256 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A
<b>East Village Apartments 258 East Carey Drive</b>	0	N/A	N/A	N/A	N/A	N/A

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

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

As a result, West Chester University issues this statement of policy to inform the community of the University's comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a West Chester University official. In this context, West Chester University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the University community. For a complete copy of West Chester University's policy governing student and employee sexual misconduct, visit:

[https://wcupa.edu/\\_admin/diversityEquityInclusion](https://wcupa.edu/_admin/diversityEquityInclusion)

## DEFINITIONS

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

### Department of Education Definitions

**Sexual Assault:** "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the National Incident-Based Reporting System (NIBRS). A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

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

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

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

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

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

acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

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

1. Who is or has been in a social relationship or a romantic or intimate nature with the victim and;
2. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition-

- a. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- b. Dating violence does not include acts covered under the definition of domestic violence. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

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

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress. For the purposes of this definition
  - a. Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
  - b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- c. Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

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

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

### **311. Consent.**

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

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

## EDUCATION AND PREVENTION PROGRAMS WCU

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

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

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

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

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

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

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

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

**LOCATION HELD:** Sykes

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

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

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

**LOCATION HELD:** Asplundh Auditorium

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

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

**DATES HELD:** August 2019

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

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

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

**NAME OF PROGRAM:** New Employee Orientations

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

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

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

**NAME OF PROGRAM:** New Faculty Orientation

**DATES HELD:** August 2019

**LOCATION HELD:** Sykes Ballrooms

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

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

**NAME OF PROGRAM:**

The Clothesline Project

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

**LOCATION HELD:** outdoor table

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

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

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

**LOCATION HELD:** classroom

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

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

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

**LOCATION HELD:** Sykes Ballroom

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

**NAME OF PROGRAM:** “It’s on Us”

Masculinity Exhibit

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

**LOCATION HELD:** outdoor table

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

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

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

**LOCATION HELD:** outdoor table

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

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

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

**LOCATION HELD:** outdoor table

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

**NAME OF PROGRAM:** “It’s on Us”

Support/Believe Survivors Exhibit

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

**LOCATION HELD:** outdoor table

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

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

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

**LOCATION HELD:** throughout campus

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

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

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

**LOCATION HELD:** Sykes Union meeting rooms

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

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

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

**LOCATION HELD:** various classrooms

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

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

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

**LOCATION HELD:** business classroom

**PROHIBITED BEHAVIOR COVERED:** Sexual Harassment

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

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

**LOCATION HELD:** Sykes classroom

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

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

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

**LOCATION HELD:** Main Hall Classrooms

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

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

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

**LOCATION HELD:** Sykes Union meeting rooms

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

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

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

**LOCATION HELD:** various meeting rooms

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

**BEHAVIOR COVERED:** Bystander Intervention

**NAME OF PROGRAM:** Green Dot Training

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

**LOCATION HELD:** various meeting rooms

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

**BEHAVIOR COVERED:** Bystander Intervention

**NAME OF PROGRAM:** Green Dot  
Bystander training practice  
**DATES HELD:** 12/2/19  
**LOCATION HELD:** Sykes Union meeting room

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

**BEHAVIOR COVERED:** Bystander Intervention

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

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

**LOCATION HELD:** Athletic team conference rooms

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

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

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

**LOCATION HELD:** academic auditorium

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

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

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

**LOCATION HELD:** meeting rooms

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

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

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

**LOCATION HELD:** classroom

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

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

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

**LOCATION HELD:** gymnasium

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

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

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

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

**LOCATION HELD:** Brandywine 004

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

**BEHAVIOR COVERED:** Bystander Intervention

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

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

**LOCATION HELD:** Department conference room

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

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

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

**LOCATION HELD:** classroom

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

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

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

**LOCATION HELD:** Phillips Conference Room

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

**BEHAVIOR COVERED:** Bystander Intervention

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

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

**LOCATION HELD:** Department conference room

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

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

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

**LOCATION HELD:** Department conference room

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

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

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

**LOCATION HELD:** Philadelphia classroom

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

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

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

**LOCATION HELD:** Sykes classroom

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

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

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

**LOCATION HELD:** athletic classroom

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

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

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

**LOCATION HELD:** Ruby Sykes Conference Room

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

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

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

**LOCATION HELD:** Phillips

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

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

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

**LOCATION HELD:** various

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

## PROCEDURES FOR REPORTING A COMPLAINT

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

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

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

After an incident of sexual assault, dating violence, or domestic violence, the complainant should consider seeking medical attention as soon as possible at Paoli Hospital, located at 255 West Lancaster Avenue in Paoli, PA. In Pennsylvania, forensic evidence may be collected from the body of a victim even if the individual chooses not to make a report to law enforcement. A forensic exam is conducted by a sensitive and highly trained SANE nurse (Sexual Assault Nurse Examiner) and students and employees may go directly to Chester County Hospital to access this service. It is important that a survivor of sexual assault not bathe, douche, smoke, change clothing, or clean the bed/linen/area where they were assaulted, if the offense occurred within the past 96 hours. The evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if complainants do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Survivors of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful for a Title IX investigation, University hearing boards or police.

### Involvement of Law Enforcement and Campus Authorities

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the complainant's choice whether or not to make such a report and complainants have the right to decline involvement with the police. The University will assist any complainant with notifying local police if they so desire, the responsibility will be assigned to the West Chester University Detective assigned to the investigation.

To report an incident that occurred on campus, employees and students should contact the Department of Public Safety at (610-436-3311), dial 911, or contact the police in the area where the assault took place. Criminal charges can be filed against any type of perpetrator, including non-University members. Criminal charges of sexual assault are entirely separate from violations of the Student Code of Conduct, which only applies to West Chester University students. Filing a formal report with the police is necessary when a complainant would like to initiate a criminal investigation by the police. Perpetrators can receive punishment up to and including jail time. Anyone who has been sexually assaulted may choose to pursue both criminal prosecution and University disciplinary processes. The following local Police Departments may be contacted, West Chester Borough Police (610) 696-2700/911, West Goshen Township Police (610) 692-7400/911, Westtown-East Goshen Police (610) 692-9600 or West Whiteland Township Police (610) 363-9525/911.

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

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

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

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

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

### Local Police Agencies

#### West Chester Police

410 East Gay Street  
West Chester, PA 19382  
610-696-2700 / 911

#### West Goshen Twp. Police

1025 Paoli Pike  
West Chester, PA 19380  
610-692-7400 / 911

#### Westtown East Goshen Police

1041 Wilmington Pike  
West Chester, PA 19382  
610-692-9600 / 911

#### West Whiteland Twp. Police

101 Commerce Drive  
Exton, PA 19341  
610-363-9525 / 911

### Sexual Assault

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

### Stalking

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

### Dating Violence

- WCU will assess immediate safety needs of complainant.
- WCU will assist the complainant to

report DATING VIOLENCE to the West Chester University Department of Public Safety, the Office of Student Conduct, Title IX Coordinator, and/or local police for adjudication in both or either jurisdiction if requested.

- WCU will provide complainant with information regarding on and off campus services and providers.
- WCU will assess the need to implement interim or supportive protective measures, such as housing changes, change in class schedule, “No Contact/Stay Away” directives between both parties if reasonably available.
- WCU will provide “No Trespass” directives or an “Interim Suspension” to the respondent, if deemed appropriate.
- WCU will provide a copy of the Sexual Misconduct Policy to the complainant regarding the policy for reporting and addressing complaints.
- WCU will receive input from the complainant on their desire to move forward to investigate sexual misconduct allegations and refer policy violations to Student Conduct or Human Resources for the appropriate student conduct/personnel process.
- WCU will receive input from the complainant on their desire to move forward with Student Code of Conduct charges and/or appropriate personnel hearing.

- WCU will inform the complainant and respondent of the outcome of the student conduct process.
- WCU will enforce the Retaliation Policy of the Sexual Misconduct Policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination.
- West Chester University will provide simultaneous notice to both parties regarding both the submission and outcome of an appeal.

### Domestic Violence

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

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

## ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

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

- The procedures survivors should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Information about how the institution will protect the privacy of complainants and other necessary parties;
- A statement that the institution will provide written notification to students and employees about survivor services within the institution and in the community;

- A statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and;
- An explanation of the procedures for institutional disciplinary action.

West Chester University complies with Pennsylvania law in recognizing orders of protection by advising any person who obtains an order of protection from any state within the U.S. to provide a copy to Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for campus police and the complainant to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom locations, or allowing a student to complete assignments from home. Other options may be available for a student on a case-by-case basis as the University determines what other measures must be taken.

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

## FAQ'S REGARDING PROTECTION FROM ABUSE

### What is abuse?

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

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

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

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

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

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

No. You will not have to pay any fees at the time of filing. However, at the time of the hearing, the court will order the alleged assailant to pay the costs, if you are successful and the court grants you the

protection from abuse order, the costs are usually placed upon the alleged assailant. The court costs must be paid even if you choose to withdraw your petition and decide not to proceed with the case. If you do not appear at your scheduled hearing, your case will be dismissed.

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

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

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

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

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

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

Please come prepared with the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In most cases, yes. The Pennsylvania State Police maintain a registry of all protection from abuse orders issued throughout the Commonwealth of Pennsylvania.

Most out-of-state courts will enforce a valid protection order that is issued and properly filed in another state.

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

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

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

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

### What Domestic Violence Programs exist in Chester County?

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

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

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

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

### How can I find a Lawyer?

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

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

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

## FAQ's REGARDING PROTECTION FROM SEXUAL VIOLENCE OR INTIMIDATION (PSVI)

Victims of sexual violence and intimidation are eligible for relief who do not have a family or household member relationship with the defendant, i.e., who ARE NOT spouses, ex-spouses, living or lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. Victims of sexual violence and intimidation who have a family or household relationship with a defendant would instead be eligible for civil relief under the Protection from Abuse Act.

### What is sexual violence?

Sexual violence is defined as conduct constituting a crime under any of the following provisions between persons who are not family or household members:

- Sexual Offenses and Conduct relating to sex offenders
- Endangering welfare of children if the offense involved sexual contact with the children
- Corruption of minors
- Sexual abuse of children
- Unlawful contact with minor
- Sexual exploitation of children

### What is Intimidation?

Intimidation is defined as conduct constituting a crime under either of the following provisions between persons who are not family or household members:

- Harassment where the conduct is committed by a person 18 years of age or older against a person under 18 years of age
- Stalking where the conduct is committed by a person 18 years of age or older against a person under 18 years of age

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

You can file for protection under the PSVI if you do not have a family or household member relationship with the defendant, i.e., you are not a spouse or ex-spouse, living or lived as spouses, parents and

children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood. If the abused person is a minor, then a parent, adult household member or guardian can file on behalf of the child. Persons who DO have one of these relationships should instead file a petition under the PSVI Act.

### Is there a cost for filing a PSVI order?

No. There are no costs when you file a protection from sexual violence petition with the court. You will not have to pay any fees at the time of filing. However, at the time of the hearing the court will order either the alleged assailant to pay the costs. If you are successful and the court grants you the PSVI order, the costs are usually placed upon the alleged assailant. The court costs must be paid even if you choose to withdraw your petition and decide not to proceed with the case. If you do not appear at your scheduled hearing your case will be dismissed.

### How and where do I file for a PSVI Order?

To file a petition for the entry of a PSVI order you must appear in person at the Chester County Justice Center, Family Court Administration Office, 201 West Market Street, 5th Floor, Suite 5402, West Chester, PA 19380-0989. There are no attorneys on staff to provide legal advice for you; the PFA Coordinator will assist you in filing the paperwork that is needed for the PSVI petition. The PFA Coordinator may not give you legal advice.

The coordinator will assist you in completing the necessary paperwork and will explain the remedies to you under the PSVI Act. After completing the paperwork, the coordinator will present your petition to the judge on your behalf.

Protection orders can be filed Monday through Friday (8:30a.m- 2:00p.m.)

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

## What should I bring with me when I go to file for a PSVI Order?

Please come prepared with the following information:

Please bring a short statement including date, time, and description of the alleged incident that causes you to seek protection. The narratives should be one page in length.

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

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

You must go to the on-call District Judge for an Emergency Order. You should call your local police department to find out which District Judge is on-call. The Emergency Order is only valid through the close of the next business day. For example, if a victim contains an Emergency PSVI on Friday evening that order is valid only through Monday at 4:30pm.

## How do I receive a temporary protection order after filing a PSVI petition?

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

## How is the alleged assailant notified of the temporary protection order?

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

## How do I get a final PSVI order?

A hearing will be held in front of a judge within ten days of filing your petition with the court, and the judge will listen to the

facts of your case. This hearing, at which the defendant will be present, is the time where you as the petitioner will assert you are a victim of sexual violence or intimidation committed by the defendant who is not a family or household member. If the judge finds that abuse has occurred, a final protection order will be issued. The length of the order can be for as long as three years.

## What protection will I receive?

A PSVI Order may contain the following relief:

- “No contact” orders which can include, but are not limited to, restraining a defendant from entering plaintiff’s residence, place of employment, business or school as well as prohibiting indirect contact through third parties
- Any other appropriate relief sought by plaintiff
- Final orders may remain in effect for up to three years

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

In most cases, yes. The Pennsylvania State Police maintain a registry of all protection from sexual violence orders issued throughout the Commonwealth of Pennsylvania.

Most out-of-state courts will enforce a valid protection order that is issued and properly filed in another state.

## What if the alleged assailant violates the order?

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

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

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

request your copies. You are also provided certified copies and instructions on what to do with those copies when you leave the courthouse after filing.

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

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

To request changes to academic, living, transportation and/or working situations or protective measures, a complainant should contact:

### Students:

#### Director of Residence Life –

Ms. Marion McKinney  
610-436-3307  
[mmckinney@wcupa.edu](mailto:mmckinney@wcupa.edu)

#### AVP for Student Affairs/Dean of Students –

Dr. Gerald Martin  
610-436-1074  
[gmartin2@wcupa.edu](mailto:gmartin2@wcupa.edu)

#### Director of Operations for Affiliated Housing – Ms. Alexa Labresco

610-692-7413  
[alabresco@ushcommunities.org](mailto:alabresco@ushcommunities.org)

#### Associate Vice President of Human Resources

Mr. Bill Helzlsouer  
610-436-3109  
[bhelzlsouer@wcupa.edu](mailto:bhelzlsouer@wcupa.edu)

## **Employee sexual misconduct policy and procedures overview – (This is used to address Sexual Assault Domestic Violence, Dating Violence & Stalking)**

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

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

Employees accused of sexual misconduct have the right to be assisted by their collective bargaining unit representative at any meeting held to discuss the complaint with the accused (respondent). If an employee elects to be represented by his or her union, the union will receive copies of all written notifications sent to the accused. Employees equally have the right not to be represented by their union. The decision regarding union representation rests solely with the accused employee. When a formal investigation is to be conducted against a faculty member, Article 4 of the APSCUF collective bargaining agreement will also govern.

If a complaint alleges sexual misconduct by an employee of the Office for Diversity, Equity, and Inclusion or the Office of the President, the complaint will be investigated by a party external to the University.

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

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

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

The facts will be evaluated using a preponderance of the evidence standard to determine if a violation of this policy has occurred. At the conclusion of the process, the complainant will be advised that the matter was reviewed and addressed by the designated adjudicator

### **The complaint process**

The sexual harassment complaint process includes different types of procedures for resolving complaints from individuals who believe they may have been the subject of a specific act or a pattern of behavior falling within the definition of sexual harassment. The individual can, if he or she chooses, inform the offender orally or in writing that those actions are offensive and to ask firmly that they cease. However, should the oral or written request not stop the harassment or if such a request is too difficult to make, then the individual may discuss the issue with the offender's supervisor, department chairperson or dean, or contact any of the below listed University offices to seek assistance.

#### **Director for Equity and Compliance**

114 W. Rosedale Avenue – Room 102  
(610) 436-2433

#### **Assistant Dean for Student Conduct**

Ruby Jones – Room 200  
(610) 436-3511

#### **Associate Vice Present for Human Resource Services**

201 Carter Drive – Suite 100  
(610) 436-2800

The above noted offices serve as an initial point of contact and provide information regarding sexual harassment (and other sexual misconduct) and the University's procedures in handling complaints.

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

## Informal Complaint Procedure

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

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

## Informal Complaint Procedure

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

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

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

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

1. The mediator will facilitate a discussion separately with the respondent and the complainant concerning the alleged act or pattern of behaviors giving rise to the complaint in an effort to resolve the situation.
2. Both the respondent and the complainant may voluntarily choose to attempt to resolve the situation through meetings in which both parties are present and participate.

At the conclusion of the mediation, the mediator will provide written information regarding the results of the mediation to the Director for Equity and Compliance.

The Director for Equity and Compliance will send a written summary of the outcome to the parties. If the complainant is not satisfied with the outcome, the complainant may choose to file a formal complaint utilizing the University's sexual harassment policy or through external agencies.

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

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

## Formal Complaint Procedure

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

The complainant initiates the formal complaint procedure by filing a written formal complaint. The Director for Equity and Compliance will meet with the complainant and inform the accused of the allegation and provide the respondent with a copy of the written complaint and a copy of the University's sexual harassment policy. No investigation will be commenced until a copy of the complaint and sexual harassment policy has been mailed to the respondent by certified mail. The respondent will be advised of the rights to the union representation if appropriate.

The Director for Equity and Compliance will provide an opportunity to meet with the respondent in a timely manner to review the formal complaint and the University's sexual harassment investigatory procedures. The employee may choose to be accompanied by a union representative at this meeting.

After accepting a written formal complaint, the Director for Equity and Compliance will appoint an investigator. When appropriate, as determined by the Director for Equity and Compliance, two investigators may be assigned to a case. The Director for Equity and Compliance will notify the parties of the investigator's identity. In addition, the appropriate manager, supervisor and/or chairperson, if appropriate, may also be advised. Investigators are specifically trained and impartial staff members of the Office for Diversity, Equity and Inclusion. The investigator's role is to investigate complaints and make findings of fact pertaining to the complaint. Investigating complaints includes but is not limited to access to records and interviewing the complainant, respondent and others who may have relevant information. The fact finder has sole discretion to determine the scope and format of the investigation.

The investigator will submit a report of his or her findings to the Director for Equity and Compliance, who will review the investigative report and formulate an opinion on whether there has been a violation of the University's policy on sexual harassment.

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

If it is the opinion of the Director for Equity and Compliance that there is reasonable cause to believe that the University's policy on sexual harassment has been violated, the Director for Equity and Compliance will forward the investigator's report and the opinion of the Director for Equity and Compliance to the appropriate adjudicator (President or Labor Relations). Copies of these documents also will be provided to the respondent.

The adjudicator will utilize the existing University pre-disciplinary conference procedures, ensuring that the respondent has the opportunity to be represented, if so desired, by his or her union representative during the pre-disciplinary conference proceedings. At the pre-disciplinary conference, the respondent will have an opportunity to rebut the findings of the investigatory report and the opinion of the Director for Equity and Compliance. After completing the pre-disciplinary conference, the adjudicator, in consultation with other University officials as needed, will determine if discipline is appropriate, and if appropriate, what level of discipline should be imposed. Possible disciplinary actions for violation of the University's sexual harassment policy include oral or written reprimand, suspension, or termination of employment. The adjudicator is not bound by the opinion of the Director for Equity and Compliance and reserves the right to make his or her own final determination.

Disciplined employees will have the right to appeal and/or grieve management's decision to the extent provided in the appropriate policy and/or collective bargaining agreement.

The complainant will receive written notification of the final disposition of the complaint. If the complainant finds the resolution or disciplinary action unsatisfactory, he or she may pursue the complaint with the appropriate external agencies.

The Office for Diversity, Equity and Inclusion reserves the ability to consider whether a violation can be reviewed if it is reported outside the 180-day period for filing a complaint. Factors that affect that consideration include the following:

- Length of time beyond 180 days,
- Whether the alleged behaviors may represent a violation of the University's Sexual Harassment Policies
- The severity of the allegations,
- The University risk for not handling the allegations,
- Do the allegations represent a possible pattern of behavior for the accused, and
- If there is a possibility that there may be additional victims.

When consideration is being given to accepting a complaint beyond 180 days, management will provide the appropriate collective bargaining unit representative either oral or written notification, giving the collective bargaining unit representative the opportunity to respond within a reasonable time period.

The sexual misconduct complaint process includes different types of procedures for resolving complaints from individuals who believe they may have been the subject of a specific act or a pattern of behavior falling within the definition of sexual misconduct. The individual can, if he or she chooses, inform the offender orally or in writing that those actions are offensive and to ask firmly that they cease. However, should the oral or written request not stop the misconduct or if such a request is too difficult to make, then the individual may discuss the issue with the offender's supervisor, department chairperson or dean, or contact any of the below listed University offices to seek assistance.

**Title IX Coordinator/Director of Equity and Compliance**

114 West Rosedale Ave  
(610) 436-2433

**Director of Center for Women's and Gender Equity**

Lawrence Center – Room 200  
(610) 436-2122

**Assistant Dean of Students/Director of Student Conduct**

Ruby Jones Hall – Room 200  
(610) 436-3511

**Assistant Vice President for Student Affairs/Dean of Students**

Ruby Jones Hall room 103  
(610) 436-2117

**Associate Vice President for Human Resource Services**

201 Carter Drive – Suite 100  
(610) 436-2800

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

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

## Informal complaint procedure

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

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

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

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

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

## Formal complaint procedure

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

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

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

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

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

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

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

The manager will utilize the existing University pre-disciplinary conference procedures, ensuring that the accused employee has the opportunity to be represented, if

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

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

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

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

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

#### **Lynn Klingensmith**

Office of Equity and Compliance  
114 West Rosedale Ave  
[LKlingensmith@wcupa.edu](mailto:LKlingensmith@wcupa.edu)  
610-436-2433

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

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

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

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

[www.wcupa.edu/\\_admin/diversityEquityInclusion/sexualmisconduct](http://www.wcupa.edu/_admin/diversityEquityInclusion/sexualmisconduct)

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

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

The Sexual Misconduct Incident Report Form can be completed by a student, staff, faculty, community member, parent, or anyone with information to report. Those who have been identified as Campus Security Authorities (CSAs) should not fill out the Sexual Misconduct Incident Report Form. Instead, CSAs are required to submit an online Clery Act Report [www.wcupa.edu/Login.aspx?ReturnUrl=%2fcfsa](http://www.wcupa.edu/Login.aspx?ReturnUrl=%2fcfsa) If you have any questions about Campus Security Authorities (CSAs) or the Clery Act Report, please contact the Director of Public Safety at 610-436-3478.

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

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

In the event of anonymous reports of sexual misconduct, or if the person making the report asks that the complaint not be pursued, the Director for Equity and Compliance/Title IX Coordinator will take all reasonable steps to investigate and respond to the complaint consistent with the request.

In addition, confidentiality, which may include meeting with the respondent to provide notification of the allegations and the possible repercussions if a formal complaint, is brought forward. The Director for Equity and may recommend voluntary sexual misconduct training for an individual or a work unit.

## Confidentiality and Reporting

---

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

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

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

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

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

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

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

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

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

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

## On and off campus services for victims

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

ON CAMPUS	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling Center	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach	Dr. Rachel Daultry Director	610-436-2301
Health	Clinical Services- General health care, immunizations, TB testing, medications, sexual health Wellness Promotion - Wellness education, alcohol/tobacco/ and other drugs, nutrition services	Clinical Services: Dr. Landrus Burrell, DrPH, MS Director Wellness Promotion: Kelsey Sevenski	610-436-2509
Mental Health	See Counseling	Dr. Rachel Daultry, Chair	610-436-2301
Victim Advocacy	Reporting, referrals and support	Lynn Klingensmith	610-436-3433
Legal Assistance	Legal consultation	Sandy Jones	610-436-2984
Visa and Immigration Assistance	Issue the Form 1-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	Angela Howard	610-436-3515
Student Financial Aid	Financial Aid, Work Study, Financial Literacy	Daniel McIlhenny, Director	610-436-2627
University Police	Escorts, Emergency Medical Services, Crime Prevention	Chief Raymond Stevenson	610-436-3311
Multicultural Center	Programs, activities, and service	Dr. Dametraus L. Jagers	610-436-3273
Director for Equity and Compliance	Sexual Misconduct information	Lynn Klingensmith	610-436-2433
OFF CAMPUS	TYPE OF SERVICES AVAILABLE	SERVICE PROVIDER	CONTACT INFORMATION
Counseling	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Chester County Counseling Center	610-933-8880
Health	Emergency and non-emergency medical services	Chester County Hospital	610-431-5000
Mental Health	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Chester County Mental Health Services Chester County Counseling Center	610-344-6265 610-933-8880
Victim Advocacy	Reporting, referrals and support	Crime Victims Center	610-692-1926
Legal Assistance	Legal consultation	Legal Aid of Southeastern PA	610-436-4510
Visa and Immigration Assistance	Issue the Form 1-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	HIAS of PA	215-832-0900
Police	Reporting, Emergency medical services, Crime prevention	West Chester Borough Police	610-692-2700
Police	Reporting, Emergency medical services, Crime prevention	West Goshen Police	610-696-7400

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

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

Department of Justice – [www.ovv.usdoj.gov/sexassault.htm](http://www.ovv.usdoj.gov/sexassault.htm)

Department of Education, Office of Civil Rights – [www.ed.gov/about/offices/list/ocr/index.htm](http://www.ed.gov/about/offices/list/ocr/index.htm)

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

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

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

### Confidentiality

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

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

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

West Chester University does not publish the name of crime victims nor house identi-

fiable information regarding complainants in the campus police department’s Daily Crime Log or online. Complainants may request that directory information on file be removed from public sources. Students can self-elect to restrict using self-service online in their University account or by contacting the Registrar. Employees may have the ability to restrict identifying information and should contact Human Resources for further information and assistance.

### How to be an active bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

### Risk Reduction

With no intention to blame the complainant, and with recognition that only those who commit sexual misconduct and violence are responsible for those actions,

these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. (Taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you do not know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
12. Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from the punch bowls or other large, common open containers.

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

### Accommodations and Protective Measures Available for Complainants

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, WCU will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the complainant's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the complainant in obtaining accommodations. If reasonably available, a complainant may be offered changes to academic, living, working, protective measures, or transportation situations regardless of whether the complainant chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation, and/or working situations or protective measures, a complainant should contact the Title IX Coordinator or their designee will determine whether interim interventions and interim and permanent protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassign-

ment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Chester University.

## ADJUDICATION OF VIOLATIONS

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

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

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

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

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

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

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

## To file an anonymous report

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

Anonymous reports can be filed in a couple of ways.

Submit a Sexual Misconduct Incident Report Form (see below for more information on this form) online at: [https://www.wcupa.edu/\\_admin/diversityEquityInclusion/](https://www.wcupa.edu/_admin/diversityEquityInclusion/)

## Sexual Misconduct Reporting form

Paper copies can be downloaded from the site at: [https://cm.maxient.com/reporting-form.php?WestChesterUniv&layout\\_id=1](https://cm.maxient.com/reporting-form.php?WestChesterUniv&layout_id=1) or by visiting any of the offices listed in the On-Campus Resources section of the policy. Submit paper copies of the form via campus or postal mail to Lynn Klingensmith, Title IX Coordinator, Office of Diversity, Equity, and Inclusion, 114 W. Rosedale Avenue, West Chester, PA 19382.

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

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

Anonymous reports are used to collect information on instances of sexual misconduct. The information is useful for assessing the danger the incident represents to

the community at large. In addition, information is also used for assessment purposes to ensure that West Chester University is maintaining a campus climate that is safe and supportive and providing adequate resources for students.

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

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

## West Chester University Disciplinary Procedure

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

## Retaliation

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

## Investigation

Once a complainant files a sexual misconduct formal complaint, the Title IX Coordinator will assign an investigator. The Investigator is a West Chester University staff member who has received specialized training on conducting investigations. The Investigator conducts a fact-finding investigation with all involved parties, any relevant witnesses, and a review of relevant documents (text messages, emails, video, photos, etc.). The complainant and respondent may each have an advisor and/or support person present during their interviews. The investigator takes notes during the interview and provides each participant with a summary of the interview for the purpose of review. The investigation of a complaint will be conducted in a timely manner and will be completed within sixty days unless there are extenuating circumstances. At the conclusion of the investigation, the investigator prepares a written report that includes a statement of the allegations and issues to include summaries of the statements offered by the parties and witnesses. Review of any additional evidence, identification of facts in and not in dispute, and a determination on whether the alleged actions violated the Sexual Misconduct Policy using the preponderance of evidence standard will take place. At any point prior to, or during an investigation, the complainant may seek interim or supportive measures until a formal remedy is imposed. Complainants may request:

- Housing reassignment to ensure that victim and accused are not in close proximity.
- Limitations on contact between parties

(referred to as a “No Contact Directive”).

- An escort to ensure the complainant’s safety.
- Reassignment of classes to ensure that the complainant and respondent are not attending the same class.
- Counseling services.
- Medical services.
- Academic support such as tutoring.
- To withdraw from a class without penalty.

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

### Overview of the Disciplinary process

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

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

### Student Conduct hearing

1. The purpose of a hearing is to review the facts and circumstances of the alleged incident and to accept all evidence and statements offered during the hearing in order to determine the student’s or student group’s level of responsibility. In determining whether a violation has occurred, the “prepon-

derance of the evidence” standard is applied. There are two types of formal hearings — an administrative hearing, conducted by one University employee, and a University Board Hearing. A University Board Hearing is conducted by three University community members. University board members each have an equal vote in the outcome of the proceeding. Each member is trained in advance and pre-screened on a case-by-case basis to eliminate familiarity with the involved parties.

2. 2. Witnesses: Involved students may want to include witnesses on their behalf. The University Case Presenter and the accused shall have the right to present witnesses. Accused students and complainants in sexual misconduct hearings may submit questions to the chair for responses by the opposing party. All parties must provide a list of potential witnesses to the Office of Student Conduct prior to the hearing as they are subject to cross-examination. The office will provide the witness list(s) to all relevant parties with the exception of group misconduct cases. If a formal investigation was conducted, any witness present must have been identified and accessible during the investigation process. If a witness is not provided during the investigation process, then the student’s presentation of that witness during the hearing is at the discretion of the hearing facilitator and should only be allowed based on new information not known during the investigation process. Character witnesses and statements will not be allowed. \*In cases involving allegations of policy violations by student groups, evidence of misconduct may be presented by the investigator rather than through each individual witness.
3. 3. All materials to be presented at the hearing must be submitted to the Office of Student Conduct prior to the hearing. The hearing facilitator will make copies of submitted materials available for inspection (not for duplication) to all relevant student parties prior to the hearing.
4. 4. Any materials submitted less than four calendar days before the hearing may only be considered at the discre-

tion of the hearing facilitator. Further, the hearing facilitator holds ultimate discretion over what records, exhibits, and written statements may be accepted as information for consideration by the hearing officer or University Hearing Board.

5. 5. All procedural questions, including those regarding materials and testimony that will be presented during the hearing, are subject to the final decision of the hearing facilitator.
6. The hearing facilitator has the responsibility for maintaining order and decorum. They have the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The hearing facilitator has the authority to direct the time of entrance and exit of all parties participating in the hearing. All hearings are closed proceedings. A student group may file an advance request to allow additional student group leaders to attend the hearing as non-participants; however, they may not be accused students nor witnesses in the case.

### PROCEDURES FOR STUDENT CONDUCT HEARINGS

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

1. The hearing officer/board shall open the proceedings by reading the statement of alleged violations.
2. Before presenting any testimony, each person must submit to an oath where they swear and affirm the truth of statements to be made.
3. The University Case Presenter shall then present its case against the accused party. This shall be done by the submission of written, physical, and/or testimonial evidence.

4. In sexual misconduct cases, questions between the complainant and the accused will be submitted to the hearing facilitator. The hearing facilitator will review and, if necessary, will appropriately revise for repetitiveness, relevance, and essential rephrasing. The chairperson will then direct the questions to the appropriate party.
5. At the conclusion of the University Case Presenter's presentation, the accused party shall present a response to the allegations. This shall be done by the submission of written, physical, and/or testimonial evidence.

6. At the close of the hearing, the hearing facilitator will allow closing statements by the parties, which may include rebuttal comments.

a. Any person who commits an action that interrupts the proceedings or refuses to comply with a reasonable order of the hearing officer/board shall be subject to removal from the hearing.

b. All matters upon which the decision will be based must be introduced into evidence at the hearing.

c. All formal hearings will be recorded and subject to the Disciplinary Records and Retention policy (Section VI). Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. If such records contain sensitive or confidential information, a request for a copy will be denied. Personal recording of the hearing is prohibited and subject to criminal prosecution.

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

e. Once responsibility is determined, in addition to testimony and evidence presented at a conduct meeting or hearing, a hearing officer/board may consider the following elements before rendering a sanction:

- i) Academic records and class year.

- ii) The nature and severity of previous discipline records including that, which is public record.

- iii) Attitude of the accused during the conference and/or hearing.

- iv) Whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the University community.

The University retains the right to continue a hearing whenever necessary and appropriate. Any students or student group who fail to appear at a scheduled hearing consent to the conducting of said hearing in their absence. Should the student be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter. If during or after the conduct process it is determined that individuals intentionally misrepresented the facts of the case in their testimony, they may be referred to the office of Student Conduct or appropriate University office. If this misrepresentation is discovered after a hearing, the Office of Student Conduct, in consultation with the hearing officer/board, will review the evidence to determine whether the case should be reopened and/or a new hearing scheduled.

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

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

## Appeals Board

Upon receiving a sanction from the hearing officer/board, a student or group may appeal for the following reasons:

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

D. All appeals must be made in writing by the published appeal date noted on the outcome letter and submitted via the Office of Student Conduct Outcome Appeal. The appeal should explain in detail the basis of the request, including any supporting documentation. With the exception of interim measures, upon receipt of the written appeal, the Office of Student Conduct will defer the imposition of the sanction(s) pending the outcome of the appeal process.

E. In cases of alleged sexual misconduct with a complainant, upon receipt of an appeal by either party, the Office of Student Conduct will forward a copy of the appeal to the opposing party and allow five (5) University business days for a response. The Response to Appeal Form will be shared with the appropriate parties concerned with the appeal.

F. Appeals will be forwarded to a University Appeals Board for review in a timely manner. Appeal Boards are comprised of one professional staff member, one faculty member, and one student chosen from active members of the University Hearing Board. When necessary, a University Hearing Board may be convened by a quorum.

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

A. The Appeals Board will review the written appeal and all documentation contained within the student's or groups disciplinary file.

B. The Board is not obligated to reconvene a hearing if a violation of procedure is found. However, if a new hearing is granted, the same procedures used for the original hearing will be followed. All meetings and hearings of the appeal process are closed proceedings.

C. The Appeals Board by a simple majority vote will uphold the sanction, modify the sanction, or order a new hearing.

## Second Level Appeal

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

An appeal to the Vice President for Student Affairs must include clear and convincing reasons to overrule the decision of the first appeal. An appeal to the Vice President for Student Affairs should include information to support the following reasons for the appeal:

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

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

## Possible Student Sanctions

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Confidentiality**

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

### **Additional University initiated protective measures**

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

Examples of interim protective measures include but are not limited to a University order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by West Chester University.

### **Federal timely warning notification**

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

### **Sex offender registry**

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

## APENDIX A

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

#### ARRESTS AND REFERRALS ON MAIN CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
<b>LIQUOR LAW VIOLATIONS (ARREST)</b>	2017	320	193	0	9
	2018	228	196	0	18
	2019	120	82	0	9
<b>LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	259	247	19	4
	2018	205	175	0	3
	2019	197	186	0	3
<b>DRUG LAW VIOLATIONS (ARREST)</b>	2017	80	54	0	7
	2018	108	84	0	16
	2019	36	20	0	7
<b>DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	129	96	1	11
	2018	131	111	0	8
	2019	140	115	0	1
<b>WEAPONS VIOLATIONS (ARRESTS)</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	0	0	0	1
	2018	1	0	0	0
	2019	0	0	0	0

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

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

## CLERY ACT – CRIMINAL REPORTING ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
<b>CRIMINAL HOMICIDE: MURDER &amp; NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>SEX OFFENSES RAPE</b>	2017	4	3	0	0
	2018	4	4	0	0
	2019	14	13	0	0
<b>SEX OFFENSES FONDLING</b>	2017	0	0	0	0
	2018	3	3	2	0
	2019	8	7	0	0
<b>SEX OFFENSES INCEST</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>SEX OFFENSES STATUTORY RAPE</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>ROBBERY</b>	2017	0	0	0	1
	2018	2	0	0	0
	2019	1	0	0	0
<b>AGGRAVATED ASSAULT</b>	2017	1	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>BURGLARY</b>	2017	2	1	0	1
	2018	2	2	0	0
	2019	2	1	0	0
<b>MOTOR VEHICLE THEFT</b>	2017	1	0	1	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>ARSON</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
<b>Unfounded Crimes</b>					
<b>Unfounded Crimes</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

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

## CLERY ACT – VAWA OFFENSES ON MAIN CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
<b>Domestic Violence</b>	2017	0	0	0	0
	2018	4	4	0	0
	2019	6	6	0	0
<b>Dating Violence</b>	2017	11	10	0	4
	2018	9	6	0	0
	2019	18	17	0	0
<b>Stalking</b>	2017	0	0	0	1
	2018	11	4	0	0
	2019	12	4	0	0

## CLERY ACT – HATE CRIME REPORTING ON MAIN CAMPUS

There were no hate crimes reported for the reporting periods of 2017, 2018, and 2019.

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

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
<b>CRIMINAL HOMICIDE: MURDER &amp; NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>RAPE</b>	2017	3	15,516	1/5,172
	2018	1	15,661	1/15,661
	2019	2	15,642	1/7,821
<b>ROBBERY</b>	2017	0	15,516	0
	2018	2	15,661	1/7,830
	2019	1	15,642	1/15,642
<b>AGGRAVATED ASSAULT</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	2	15,642	2/7,821
<b>BURGLARY</b>	2017	4	15,516	1/3,910
	2018	2	15,661	1/7,830
	2019	2	15,642	1/7,821
<b>LARCENY</b>	2017	59	15,516	1/263
	2018	17	15,661	1/921
	2019	21	15,642	1/745

<b>MOTOR VEHICLE THEFT</b>	2017	1	15,516	1/15,516
	2018	0	15,661	0
	2019	0	15,642	0
<b>ARSON</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0

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

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
<b>OTHER ASSAULTS</b>	2017	32	15,516	1/485
	2018	39	15,661	1/401
	2019	38	15,642	1/412
<b>FORGERY</b>	2017	3	15,516	1/5,172
	2018	3	15,661	1/5,220
	2019	2	15,642	1/7,821
<b>FRAUD</b>	2017	12	15,516	1/1,293
	2018	9	15,661	1/1,740
	2019	12	15,642	1/1,304
<b>EMBEZZLEMENT</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>RECEIVING STOLEN PROPERTY</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>VANDALISM</b>	2017	26	15,516	1/597
	2018	9	15,661	1/1,740
	2019	16	15,642	1/978
<b>WEAPONS OFFENSES</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>PROSTITUTION</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>SEX OFFENSES</b>	2017	5	15,516	1/3,103
	2018	3	15,661	1/5,220
	2019	6	15,642	1/2,607
<b>DRUG OFFENSES</b>	2017	136	15,516	1/114
	2018	74	15,661	1/212
	2019	33	15,642	1/474
<b>GAMBLING</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0

<b>OFFENSES AGAINST FAMILY</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>DRIVING UNDER THE INFLUENCE</b>	2017	23	15,516	1/675
	2018	18	15,661	1/870
	2019	7	15,642	1/2,235
<b>LIQUOR LAW VIOLATIONS</b>	2017	239	15,516	1/65
	2018	172	15,661	1/91
	2019	111	15,642	1/140
<b>PUBLIC DRUNKENNESS</b>	2017	26	15,516	1/597
	2018	6	15,661	1/2,610
	2019	4	15,642	1/3,911
<b>DISORDERLY CONDUCT</b>	2017	11	15,516	1/1,410
	2018	8	15,661	1/1,957
	2019	4	15,642	1/3,911
<b>VAGRANCY</b>	2017	0	15,516	0
	2018	0	15,661	0
	2019	0	15,642	0
<b>ALL OTHER OFFENSES</b>	2017	39	15,516	1/398
	2018	9	15,661	1/1,740
	2019	10	15,642	1/1,564

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

## APPENDIX B

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

#### ARRESTS AND REFERRALS ON GRADUATE CENTER CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
<b>LIQUOR LAW VIOLATIONS (ARREST)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>DRUG LAW VIOLATIONS (ARREST)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>WEAPONS VIOLATIONS (ARRESTS)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

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

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

## CLERY ACT – CRIME REPORTING ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
<b>CRIMINAL HOMICIDE: MURDER &amp; NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES RAPE</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES FONDLING</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES INCEST</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES STATUTORY RAPE</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>ROBBERY</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>AGGRAVATED ASSAULT</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>BURGLARY</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>MOTOR VEHICLE THEFT</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>ARSON</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

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

## CLERY ACT – VAWA OFFENSES ON GRADUATE CENTER CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
<b>Domestic Violence</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>Dating Violence</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>Stalking</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

### Unfounded Crimes

<b>Unfounded Crimes</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

## CLERY ACT – HATE CRIME REPORTING GRADUATE CENTER CAMPUS

There were no hate crimes reported for the reporting periods of 2017, 2018, and 2019.

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

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
<b>CRIMINAL HOMICIDE: MURDER &amp; NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE</b>	2017	0	223	0
	2018	0	237	0
	2019	0	266	0
<b>RAPE</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>ROBBERY</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>AGGRAVATED ASSAULT</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>BURGLARY</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0

<b>LARCENY</b>	2017	0	223	0
	2018	1	237	0
	2019	0	236	0
<b>MOTOR VEHICLE THEFT</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>ARSON</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0

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

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
<b>OTHER ASSAULTS</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>FORGERY</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>FRAUD</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>EMBEZZLEMENT</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>RECEIVING STOLEN PROPERTY</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>VANDALISM</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>WEAPONS OFFENSES</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>PROSTITUTION</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>SEX OFFENSES</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>DRUG OFFENSES</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0

<b>GAMBLING</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>OFFENSES AGAINST FAMILY</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>DRIVING UNDER THE INFLUENCE</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>LIQUOR LAW VIOLATIONS</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>PUBLIC DRUNKENNESS</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>DISORDERLY CONDUCT</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>VAGRANCY</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0
<b>ALL OTHER OFFENSES</b>	2017	0	223	0
	2018	0	237	0
	2019	0	236	0

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

## APPENDIX C

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

#### ARRESTS AND REFERRALS ON EXTON CAMPUS

ARRESTS & DISCIPLINARY REFERRALS	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES (SUBSET OF ON CAMPUS)	NON-CAMPUS	PUBLIC PROPERTY
<b>LIQUOR LAW VIOLATIONS (ARREST)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>LIQUOR LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>DRUG LAW VIOLATIONS (ARREST)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>DRUG LAW VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>WEAPONS VIOLATIONS (ARRESTS)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>WEAPONS VIOLATIONS (REFERRALS FOR CAMPUS DISCIPLINARY ACTION)</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

1. On Campus - Any Building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes. University residence halls are included with this definition. Any building or property that is within or reasonably contiguous to the areas described above that supports University purposes and that is: owned by the University but controlled by another person or entity; or is frequently used by students.

2. Residential Facilities - Dormitories or other residential facilities for students on campus is a subset of the On-Campus Category. Statistics from this category are repeated in the On-Campus column.

3. Non Campus - Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

4. Public Property - All public property, including thoroughfares, streets and sidewalks that is within the campus or immediately adjacent to and accessible from the campus. Data collected and reported by the West Whiteland Police Department.

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

## CLERY ACT – CRIMINAL REPORTING ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
<b>CRIMINAL HOMICIDE: MURDER &amp;NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES RAPE</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES FONDLING</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES INCEST</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>SEX OFFENSES STATUTORY RAPE</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>ROBBERY</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>AGGRAVATED ASSAULT</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>BURGLARY</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>MOTOR VEHICLE THEFT</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>ARSON</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

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

## CLERY ACT – VAWA OFFENSES ON EXTON CAMPUS

REPORTABLE CRIME CATEGORIES	YEAR	ON CAMPUS	RESIDENTIAL FACILITIES	NON-CAMPUS	PUBLIC PROPERTY
<b>Domestic Violence</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>Dating Violence</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
<b>Stalking</b>	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

### Unfounded Crimes

<b>Unfounded Crimes</b>	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

## CLERY ACT – HATE CRIME REPORTING ON EXTON CAMPUS

There were no hate crimes reported for the reporting periods of 2017, 2018, and 2019.

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

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
<b>CRIMINAL HOMICIDE: MURDER &amp; NON-NEGLIGENT MANSLAUGHTER</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>CRIMINAL HOMICIDE: MANSLAUGHTER BY NEGLIGENCE</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>RAPE</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>ROBBERY</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>AGGRAVATED ASSAULT</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>BURGLARY</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0

<b>LARCENY</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>MOTOR VEHICLE THEFT</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>ARSON</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0

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

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

REPORTABLE CRIME CATEGORIES	YEAR	REPORTED OFFENSES	FULL TIME EQUIVALENT (FTE)	OFFENSE RATIO
<b>OTHER ASSAULTS</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>FORGERY</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>FRAUD</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>EMBEZZLEMENT</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>RECEIVING STOLEN PROPERTY</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>VANDALISM</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>WEAPONS OFFENSES</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>PROSTITUTION</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>SEX OFFENSES</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>DRUG OFFENSES</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0

<b>GAMBLING</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>OFFENSES AGAINST FAMILY</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>DRIVING UNDER THE INFLUENCE</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>LIQUOR LAW VIOLATIONS</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>PUBLIC DRUNKENNESS</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>DISORDERLY CONDUCT</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>VAGRANCY</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0
<b>ALL OTHER OFFENSES</b>	2017	0	86	0
	2018	0	47	0
	2019	0	41	0

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

## APPENDIX D

### MASS NOTIFICATION POLICY

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

##### Scope

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

##### Policy Statement

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

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

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

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

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

##### Responsibilities

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

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

##### Categories – Mass Communication

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

- Emergency Notifications and Timely Warnings
- Weather-Related Announcements

- Important Time-Sensitive Announcements
- Non-Emergency – General Communications

##### Category Definitions and Distribution Methods

##### Emergency Notifications and Timely Warnings

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

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

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

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

► **Initial emergency communications will be sent immediately and will convey only the most critical information. Details will be carried on the University’s homepage, which will be updated as circumstances dictate.**

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

Communication Channels	Responsible Party
Posting to D2L and email	Information Services Division
Activate a recorded message for those using WCU voice mail functionality	Information Services Division
Activate University's emergency public address system, sirens, and blue light stations	Public Safety Division
Request Reverse 911 telephone message via the Chester County Emergency Services system	Director of Public Safety
Request Reverse 911 telephone message via the Borough of West Chester system	Director of Public Safety
Contact selected news media (radio and TV stations) including WCU's radio station WCURAM 91.7	Director of Public Relations
Announcements via electronic bulletin boards in Anderson Hall, Sykes Union Building, and external kiosk at Ruby Jones Hall	Information Services Division for Anderson Hall; Sykes Union Director for the Sykes Building and Ruby Jones external kiosk
Announcements via police cruiser public address systems, bullhorns, or digital sign boards	Public Safety Division
Announcements via individual building public address systems	Residence Life Staff – including The Village and University Hall
Announcement on football scoreboard/Farrell Stadium	Athletic Director
Telephone Trees or Phone Chains – many campus departments have incorporated phone chains into their procedures to notify individual personnel. In addition, person-to person or paper communication in residence halls, academic/administration buildings, including Library and food service centers, etc. In most cases, electronic communication is preferable to paper communication, but paper communication may be used as the situation deems it.	Deans, Building Administrators, Assistant Building Administrators, Student Affairs Division personnel

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

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

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

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

### Weather-Related Announcements

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

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

#### Communication Distribution Methods:

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

- Text message to **WCU ALERT** subscribers
- Mass emails to faculty, staff, and students (WCU-assigned email accounts)
- Posted on WCU’s homepage at <http://www.wcupa.edu>
- Recorded message on WCU’s Information Line – 610-436-1000
- Broadcast on many radio and TV stations

### Important Time-Sensitive Announcements

This message category involves any potential or actual incident that is local in nature, has limited impact, will not seriously affect the overall functioning of the University, and can usually be handled

using University resources. Examples — unscheduled changes to campus procedures or services, service disruptions to buildings, certain construction activity, etc.

#### Communication Distribution Methods:

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

### Non-Emergency – General Announcements/Communications

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

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

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

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

---

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

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

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

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

## (2) Human Resources webpage – News Update

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

While use of this Human Resources News Update is preferred, individual divisions or departments may still e-mail their personnel-related announcements or information to selected distribution lists, but not to the entire campus via the All Employees distribution list.

To avoid any confusion, email users transmitting personnel-related announcements should not use the words **Urgent, Urgent Notice, Important, or Important Notice** in the subject line of their email messages. In addition, email users should also avoid highlighting their messages with an **exclamation mark** unless the messages are very high priority. Examples: Search Committee announcements/schedules, hires/appointments, retirements/resignations, employee transfers, etc. Those wishing to submit information for the posting on the Human Resources News Bulletin should contact [HumanResourceServices@wcupa.edu](mailto:HumanResourceServices@wcupa.edu).

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

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

### Effective Date

---

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

## CLERY DESIGNATED DEFINITIONS

## Clery designated crime definitions

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

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

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

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

## Clery designated hate crime definitions

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

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

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

## Uniform Crime Reporting definitions

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

## The Part I Offenses are:

### Murder and non-negligent

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

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

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

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

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

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

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

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

## The Part II offenses are:

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

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

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

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

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

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

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

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

**Sex offenses (except forcible rape, prostitution, and commercialized vice)**

– Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.

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

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

**Offenses against the family and children** – Unlawful nonviolent acts by a family member

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

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

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

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

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

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

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

## APPENDIX F

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

Consent is defined in Pennsylvania Criminal Law as;

#### 311. Consent.

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

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

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

## SEXUAL OFFENSES

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

#### SUBCHAPTER A. GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

### 3102. Mistake as to Age

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

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

### 3104. Evidence of Victims Sexual Conduct.

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

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

### 3105. Prompt Complaint.

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

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

### 3106. Testimony of Complainants.

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

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

### 3107. Resistance not Required.

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

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

## SUBCHAPTER B. DEFINITION OF OFFENSES

### 3121. Rape.

#### 3122.1. Statutory sexual assault.

### 3123. Involuntary deviate sexual intercourse.

#### 3124.1. Sexual assault.

#### 3124.2. Institutional sexual assault.

### 3125. Aggravated indecent assault.

### 3126. Indecent assault.

### 3127. Indecent exposure.

### 3129. Sexual intercourse with animal.

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

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

### 3121. Rape

**A. OFFENSE DEFINED.** A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

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

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

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

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

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

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

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

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

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

### 3122.1. Statutory Sexual Assault.

#### **A. FELONY OF THE SECOND DEGREE.**

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

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

#### **B. FELONY OF THE FIRST DEGREE.**

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

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

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

**A. OFFENSE DEFINED.** A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

1. by forcible compulsion.
2. by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
3. who is unconscious or where the person knows that the complainant is unaware that the sexual inter-

course is occurring.

4. where the person has substantially impaired the complainants' power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
5. who suffers from a mental disability which renders him or her incapable of consent; or (6) (Deleted by amendment).
6. who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

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

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

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

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

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

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eft. in 6 months; Act 1995 Special Session-10 (S.B. 2), PL. 985,*

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

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

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

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

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

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

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

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

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

1. Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.
2. As used in this subsection, the following terms shall have the meanings given to them in this paragraph:
  - a. Direct contact. Care, supervision, guidance, or control.
  - b. Employee. (A) Includes:
    - i. A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice-principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.
    - ii. An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

**B. The term does not include:**

1. A student employed at the school.
2. An independent contractor or any employee of an independent contractor who has no direct contact with school students.
3. School. A public or private school, intermediate unit, or area vocational-technical school.

4. Volunteer. The term does not include a school student.

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

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

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

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

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

### 3125. Aggravated Indecent Assault.

**A. OFFENSES DEFINED.** Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual as-

sault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

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

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

### C. GRADING AND SENTENCES.

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

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1973-117 (S.B. 513), PL. 341, 1, approved Nov. 28, 1973, eff. in 60 days; Act 1990-4*

*(H.B. 1120), PL. 6, 5, approved Feb. 2, 1990, eff. in 60 days; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9, approved Mar. 31, 1995, See section of this act for effective date information; Act 2002-162 (H.B.976), PL. 1350, 2, approved Dec. 9, 2002, eff. in 60 days; Act 2002-226 (S.B. 1402), PL. 1953, 1.1, approved Dec. 16, 2002, eff. in 60 days.*

### 3126. Indecent Assault.

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

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

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

1. An offense under subsection (a)

(1) or (8) is a misdemeanor of the second degree.

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

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

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

### **3127. Indecent Exposure.**

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

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

*Act 1972-334 (S.B. 455), PL. 1482, 1, approved Dec. 6, 1972, eff. in 6 months; Act 1995 Special Session-10 (S.B. 2), PL. 985, 9,*

*approved Mar. 31, 1995, See section of this act for effective date information.*

### **3129. Sexual Intercourse with Animal.**

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

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

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

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

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

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

(relating to registration).

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

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

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

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

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

## SUBCHAPTER C. LOSS OF PROPERTY RIGHTS

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

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

A person:

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

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

### 3142. Process and Seizure.

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

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

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

### 3143. Custody of Property.

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

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

### 3144. Disposal of Property.

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

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

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

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

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

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

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

#### C. BAIL.

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

forfeiture of bail and the issuance of a bench warrant for the defendants arrest or remanding him to custody or a modification of the terms of the bail. The defendant shall be provided a hearing on this matter.

#### D. NOTICE OF RIGHTS.

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

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

#### Title 23 – Domestic Relations – Definitions

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

**“Abuse.”** The occurrence of one or more of the following acts between family or household members, sexual

or intimate partners or persons who share biological parenthood:

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

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

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

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

**“Confidential communications.”** All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term

includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship.

The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor, or advocate in the course of the relationship. **“Domestic violence counselor/advocate.”** An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

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

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

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

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

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

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

gency relief by minor judiciary).

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

**“Safekeeping permit.”** A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon, or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

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

**“Sheriff.”**

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

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

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

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

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

No separate state statute is provided in Pennsylvania criminal law for Dating Violence. Covered under Title 23 - Domestic Relations

### Stalking is defined in Pennsylvania criminal statutes as:

#### PA CRIMES CODE

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

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

#### B. VENUE

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

#### C. GRADING

1. Except as otherwise provided for in paragraph (2), a first offense under this section shall constitute a misdemeanor of the first degree.  
(2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another

person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. 6108 (relating to relief) shall constitute a felony of the third degree.

**D.FALSE REPORTS.**

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

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

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

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

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

## APPENDIX G

### On Campus Property Addresses

ALLEGHENY HALL (Residential)	121 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
ANDERSON HALL	725 SOUTH CHURCH STREET WEST CHESTER BOROUGH
ALUMNI HOUSE	101 NORFOLK AVENUE WEST GOSHEN TOWNSHIP
ASPLUNDH CONCERT HALL	700 S. HIGH STREET WEST CHESTER BOROUGH
BAYLE HOUSE	703 SOUTH HIGH STREET WEST CHESTER BOROUGH
BOILER PLANT	125 UNIVERSITY AVENUE WEST CHESTER BOROUGH
BUSINESS AND PUBLIC MANAGEMENT CNT.	50 SHARPLESS STREET WEST CHESTER BOROUGH
BRANDYWINE HALL (Residential)	709 SOUTH NEW STREET WEST CHESTER BOROUGH
CHEMICAL STORAGE	105 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
COLLEGE ARMS APTS (Residential)	721-731 SOUTH HIGH STREET WEST CHESTER BOROUGH
COMMONWEALTH HALL (Residential)	715 S. NEW STREET WEST CHESTER BOROUGH
EAST VILLAGE APTS (Residential)	250-258 EAST CAREY DRIVE EAST BRADFORD TOWNSHIP
EHRINGER GYM	700 SOUTH CHURCH STREET WEST CHESTER BOROUGH
EHRINGER ANNEX	710 SOUTH CHURCH STREET WEST CHESTER BOROUGH
ELECTRIC SUB STATION	703 SOUTH NEW STREET WEST CHESTER BOROUGH
E.O. BULL CENTER	2 EAST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
FARRELL STADIUM	875 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
FILANO HALL	628 SOUTH HIGH STREET WEST CHESTER BOROUGH
GLEN ECHO FARM	844 SOUTH NEW STREET EAST BRADFORD TOWNSHIP
GOSHEN HALL (Residential)	125 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
GRADUATE CENTER	1160 MCDERMOTT DRIVE WEST GOSHEN TOWNSHIP
HEALTH CENTER	715 SOUTH NEW STREET WEST CHESTER BOROUGH
HOLLINGER FIELD HOUSE	150 UNIVERSITY AVENUE WEST CHESTER BOROUGH
KILLINGER HALL (Residential)	115 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH

LAWRENCE HALL	260 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
MAIN HALL	720 SOUTH HIGH STREET WEST CHESTER BOROUGH
MATLACK STREET GARAGE	100 EAST CAMPUS DRIVE WEST GOSHEN TOWNSHIP
MCCOY HOUSE	801 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
MCCOY BARN	802 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
MCKELVIE HALL	102 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
MERION SCIENCE	720 SOUTH CHURCH STREET WEST CHESTER BOROUGH
MESSIKOMER HALL	100 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
MITCHELL HALL	675 SOUTH CHURCH STREET WEST CHESTER BOROUGH
MONTEMURO HOUSE	811 ROSLYN AVENUE WEST GOSHEN TOWNSHIP
NEW LIBRARY	25 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
WAREHOUSE	821 SOUTH MATLACK STREET WEST GOSHEN TOWNSHIP
OLD LIBRARY	775 SOUTH CHURCH STREET WEST CHESTER BOROUGH
PEOPLES BUILDING	690 SOUTH CHURCH STREET WEST CHESTER BOROUGH
PHILLIPS MEMORIAL HALL	700 SOUTH HIGH STREET WEST CHESTER BOROUGH
POETRY CENTER	823 SOUTH HIGH STREET WEST GOSHEN TOWNSHIP
RECITATION HALL	35 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
REYNOLDS HALL	650 REYNOLDS ALLEY WEST CHESTER BOROUGH
RUBY JONES HALL	50 UNIVERSITY AVENUE WEST CHESTER BOROUGH
SCHMIDT HALL (Residential)	225 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH
SCHMUCKER PHASE I	730 SOUTH CHURCH STREET WEST CHESTER BOROUGH
SCHMUCKER PHASE II	750 SOUTH CHURCH STREET WEST CHESTER BOROUGH
SOMPAC	817 S. HIGH STREET WEST GOSHEN TOWNSHIP
SOUTH CAMPUS APTS (Residential)	833-852 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
SPEAKMAN BUILDING	155 UNIVERSITY AVENUE WEST CHESTER BOROUGH
STUDENT RECREATION CENTER	275 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH

STURZEBECKER HSC	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
SWOPE HOUSE	30 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
SYKES UNION	110 WEST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
TANGLEWOOD	100 EAST ROSEDALE AVENUE WEST GOSHEN TOWNSHIP
TYSON HALL (Residential)	225 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
UNIVERSITY HALL (Residential)	180 UNIVERSITY AVENUE WEST CHESTER BOROUGH
VILLAGE APTS (Residential)	181-193 CAREY DRIVE EAST BRADFORD TOWNSHIP
WAYNE HALL	125 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH

### Numerical Based University Property Addresses

13-15 UNIVERSITY AVENUE - WEST CHESTER BOROUGH
20 LINDEN STREET - WEST CHESTER BOROUGH
25 UNIVERSITY AVENUE - WEST CHESTER BOROUGH
114 WEST ROSEDALE AVENUE - WEST GOSHEN TOWNSHIP
210 WEST ROSEDALE AVENUE - WEST GOSHEN TOWNSHIP
220 WEST ROSEDALE AVENUE - WEST GOSHEN TOWNSHIP
624 SOUTH HIGH STREET - WEST CHESTER BOROUGH
701 SOUTH HIGH STREET - WEST CHESTER BOROUGH
809 ROSLYN AVENUE - WEST GOSHEN TOWNSHIP
887 SOUTH MATLACK STREET - WEST GOSHEN TOWNSHIP
850 SOUTH NEW STREET - EAST BRADFORD TOWNSHIP
201 CARTER DRIVE, SUITE 100 HUMAN RESOURCES
201 CARTER DRIVE, SUITE 200 FISCAL AFFAIRS
201 CARTER DRIVE, SUITE 300 FACILITIES DESIGN AND CONSTRUCTION
201 CARTER DRIVE, SUITE 400, DEPT. OF COMMUNICABLE DISORDERS
201 CARTER DRIVE, SUITE 500 FACILITIES MANAGEMENT/MAINTENANCE

### Parking Garage and Parking Lot Address

PARKING LOT "A"	25 SHARPLESS STREET WEST CHESTER BOROUGH
SHARPLESS STREET GARAGE	25 SHARPLESS STREET WEST CHESTER BOROUGH
PARKING LOT "B"	652 REYNOLDS ALLEY WEST CHESTER BOROUGH
NEW STREET GARAGE	300 WEST NIELDS STREET WEST CHESTER BOROUGH
PARKING LOT "E"	715 SOUTH NEW STREET WEST CHESTER BOROUGH
PARKING LOT "G"	615 SOUTH HIGH STREET WEST CHESTER BOROUGH
PARKING LOT "H"	155 WEST ROSEDALE AVENUE WEST CHESTER BOROUGH

PARKING LOT "K"	101 NORFOLK AVENUE WEST GOSHEN TOWNSHIP
PARKING LOT "L"	804 ROSLYN AVENUE WEST GOSHEN TOWNSHIP
PARKING LOT "M" "M1" "M2"	818 SOUTH MATLACK STREET WEST GOSHEN TOWNSHIP
MATLACK STREET GARAGE	100 EAST CAMPUS DRIVE WEST GOSHEN TOWNSHIP
PARKING LOT "N"	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "O"	855 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "P"	875 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "Q"	883 SOUTH NEW STREET EAST BRADFORD TOWNSHIP
PARKING LOT "R"	20 STADIUM ROAD WEST GOSHEN TOWNSHIP
PARKING LOT "S"	842 SOUTH NEW STREET WEST GOSHEN TOWNSHIP
PARKING LOT "T"	802 SOUTH CAMPUS DRIVE EAST BRADFORD TOWNSHIP
STUDENT REC GARAGE	275 NORTH CAMPUS DRIVE WEST CHESTER BOROUGH
PARKING AREA "X"	100 BLOCK CAREY DRIVE EAST BRADFORD TOWNSHIP
PARKING AREA "Y"	800 BLOCK S. CAMPUS DRIVE EAST BRADFORD TOWNSHIP
EAST VILLAGE PARKING	250 CAREY DRIVE EAST BRADFORD TOWNSHIP
PARKING LOT Z	721-731 SOUTH HIGH STREET WEST CHESTER BOROUGH

## University Owned Streets

NORTH CAMPUS DRIVE
SOUTH CAMPUS DRIVE
EAST CAMPUS DRIVE
STADIUM ROAD
50-100 BLOCKS UNIVERSITY AVENUE

## Public Properties

600-700 Blocks South High Street
50-200 Blocks Sharpless Street
600-800 Blocks South New Street
50-200 Blocks East Rosedale Avenue
50-200 Blocks West Rosedale Avenue
Reynolds Alley
Sharon Alley
Bayard Rustin Park
Kathy McBratnie Park

## Non-Campus Properties

524 South Walnut Street / West Chester Borough
524 South High Street / West Chester Borough
622 South High Street / West Chester Borough



All policy statements in the Annual Security and Fire Report apply to the following campuses, West Chester University (Main Campus), the Graduate Center, and the Exton Campus, unless stated otherwise in the report.

