



ANNUAL SECURITY REPORT & ANNUAL FIRE SAFETY REPORT 2020

January 1, 2019 – December 31, 2019

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COVID-19 PANDEMIC OPERATIONAL UPDATE

The Harrisburg University of Science and Technology (HU) Annual Safety and Security Report (ASR) & Annual Fire Safety Report is published to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act). As part of the ASR, Harrisburg University publishes its operational procedures and policies, as they pertain to safety & security on campus.

Please note that the Annual Safety and Security Report 2020 outlines safety policies & procedures as they relate to times of normal on-campus operations. In March 2020, HU transitioned from on-campus instruction and programs to a fully remote operation due to the Covid-19 pandemic. The decision to transition to remote operations was based on student & staff safety in addition to recommendations from the Commonwealth of Pennsylvania for Covid-19 transmission mitigation. Ever since, HU has maintained remote operations throughout the entirety of the pandemic based on the recommendations of the Governor of Pennsylvania and the Pennsylvania Department of Health.

HU has created a Covid-19 website to address questions regarding temporary remote operating procedures. The website is regularly updated with campus information and announcements. The website can be accessed via the main HU homepage or directly at covid.harrisburgu.edu.

HU hopes to return to on-campus operations for the 2021 - 2022 academic year; however, that decision will be made closer to that time and based on recommendations from health experts and the Commonwealth of Pennsylvania. Upon return, HU will operate with the safety & security procedures outlined in this report in addition to incorporating responsive practices created due to the pandemic.

INTRODUCTION

The Harrisburg University of Science and Technology (HU) Annual Safety and Security Report (ASR) & Annual Fire Safety Report is published to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act). This report includes statistics for the previous three years of reported crimes and fires that occurred on HU's campus, in certain off-campus buildings or properties owned or controlled by HU, and on public property within or immediately adjacent to and accessible from HU properties. The report also includes institutional and campus security policies and information concerning alcohol and drug use as required by the regulations to the Drug-Free Schools and Communities Act (DFSCA) of 1989, crime prevention, the reporting of crimes, and other matters.

This ASR is available online at <https://www.harrisburgu.edu/disclosures/>. Prospective students and prospective employees will be directed to the ASR by the Office of Admissions or the Office of Human Resources. Printed copies are available upon request by calling the Office of Compliance at (717) 901-5100, extension 1769, or through email at compliance@harrisburgu.edu. HU also provides the annual crime and fire statistics contained in this report to the U.S. Department of Education. Lastly, notification and links to the ASR are sent annually to all HU enrolled students and employees.

This ASR was prepared in cooperation with local and international law enforcement agencies, HU's Human Resources Office, HU's Student Services Office, HU's Security Office, HU's Office of General Counsel, and HU's Office of Compliance. The policies contained in this ASR apply to HU's Harrisburg campus and Philadelphia location.

Lastly, the crime statistics in this report are presented in separate crime statistic charts for the Harrisburg campus, HU's Philadelphia location, the HU Aquaponics Research Laboratory at Steelton-Highspire High School, and other areas as required by law.



Message from the President

To achieve a thriving and successful environment for our educational and entrepreneurial endeavors, the safety and security of our campus is a daily priority at Harrisburg University of Science and Technology (HU). Each of us plays a role in keeping HU safe. We must look out for one another, be alert for potentially unsafe situations, report suspicious activity, and be engaged and informed about safety-related services, emergency preparedness, and crime prevention.

This annual security report (ASR) is published pursuant to The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and contains information about reported incidents on campus, on public property within or immediately adjacent to campus, and in or on non-campus buildings or property that HU owns or controls. The ASR also includes information about campus-specific crime and fire reporting, crime and fire prevention, victims' rights, public safety programs, medical services, and counseling programs.

Additionally, as required under regulations of the Drug-Free Schools and Communities Act (DFSCA) of 1989, the ASR also serves as an annual notification to each employee and student of the risks associated with alcohol and other drug use, the consequences of such use, HU's standards of conduct concerning use and possession, and available treatment programs.

Together, we will continue to provide the safe, welcoming, and thriving academic environment we enjoy at HU.

Eric D. Darr, PhD
President & CEO



A Brief History of HU

In the mid-1990s, a group of community business leaders recognized the value of integrating STEM education with economic development. Harrisburg University of Science and Technology was incorporated in the Commonwealth of Pennsylvania in 2001, making it the first independent science and technology-focused, non-profit, university to be established in Pennsylvania in more than 100 years. It was chartered by the Pennsylvania Department of Education in 2005 and accredited by the Middle States Commission on Higher Education in 2009. HU is accredited by the Middle States Commission on Higher Education and The Global Accreditation Center from the Project Management Institute.

HU is home to The Agile Lean Center, The Analytics Institute, The Center for Innovation & Entrepreneurship (CIE), The Center for Environment, Energy and Economy, The Center for Advanced Entertainment and Learning Technologies, The Government Technology Institute (GTI), the Geospatial Technology Center, and the Security Center of Excellence.

The Harrisburg University Storm is a member of the National Association of Collegiate Esports (NACE), the varsity Esports program that fields teams in Overwatch, League of Legends, and Hearthstone. The Storm has won two consecutive Collegiate Overwatch National Championships since its inception in 2018. The Storm has won numerous other championships and is also the recipient of the international Tempest Award for Best Collegiate Esports Program.



HU Fast Facts and Points of Pride

- HU is the only comprehensive nonprofit science and technology, university between the cities of Philadelphia and Pittsburgh.
- Over 7,000 students are currently enrolled.
- 100% of undergraduate students receive a scholarship.
- HU is currently constructing a new Health Sciences Center. The building, which will accommodate at least 1,000 additional students, will serve degree programs in nursing, pharmaceutical sciences, and other allied health programs.
- Undergraduate students are required to complete 135 internship hours.
- HU's student body hails from over 110 countries.
- 54% of HU's undergraduate students are African American; it has more African American women pursuing science and technology programs than some universities 10 times HU's size.
- HU does not charge student fees.

Safety and Security at HU

HU strives to offer a safe and secure environment. HU's Chief Operating Officer/Chief Financial Officer serves as the University's designated Chief Security Officer and is responsible for campus security. Campus security is enhanced when employees, students, and visitors follow all security protocols and use common sense safety practices, such as locking cars, walking in groups, reporting suspicious incidents, and protecting personal property by not leaving it unattended.

HU does not have a commissioned police force but has a cooperative arrangement that stations an armed officer from the City of Harrisburg's Bureau of Police on HU's campus. Armed police officers from the Harrisburg and Philadelphia Police Departments are authorized to respond at each HU site within their respective jurisdictions. If anyone becomes aware of a crime, observes a suspicious person, or is a victim of a crime, they are advised to immediately report all emergencies to the local police department at any time. Local law enforcement officers will work with individuals in responding to and reporting crimes, including obtaining information and evidence, identifying potential witnesses, and conducting thorough investigations to identify responsible parties. When appropriate, crime suspects may be adjudicated through HU's student conduct system, HU's Progressive Discipline System for faculty & staff through the Office of Human Resources, and/or the criminal justice system.

Employees, students, and visitors are also advised to report criminal activity or emergencies to HU's Campus Security for the tracking of crime and fire statistics.

HU Emergency Notification System

Members of HU's community may and should subscribe to receive emergency notifications text alerts regarding HU closures or emergency/disaster situations, including Timely Warnings, that may impact the HU community. Subscribing to the system, Omnilert, is completed through the MyHU portal of HU's webpage. Subscribers are subject to text message costs assessed by their cell phone provider.

The purpose of the notification system is to merely alert subscribers. For additional information on any matters, the HU Community will be directed to HU's website or social media accounts.

Campus Safety Services Overview

Harrisburg Campus

During times of regular on-campus instruction, HU employs full-time, security personnel Monday through Friday between the hours of 7:00 a.m. and 10:00 p.m. During these hours, students, employees, and visitors can report accidents, criminal actions, or other emergencies by calling 717-901-5180 or by visiting the front desk at 326 Market Street. Campus Security possess the authority to request the removal of any individual whose presence or behavior warrants removal from the HU educational environment. The City of Harrisburg Bureau of Police is contacted when individuals fail to cooperate with Campus Security's requests.

The City of Harrisburg Bureau of Police is authorized to maintain security of the campus and can be contacted at 911 for an emergency and 717-558-6900 for non-emergencies.

After hours and on weekends, Harristown Property Services patrols 326 Market and the residence halls, RoM and MVP, for safety. Individuals can contact HPS at 717- 238-2726.

Philadelphia Location

HU's Philadelphia location does not employ a private security or police force, due to its small size. In non-emergency situations, individuals are advised to contact either the HU Harrisburg Campus Security at 717-901-5180 or Philadelphia Facility Security at 215-545-2420. In emergency situations, individuals are advised to contact the Philadelphia Police Department by calling 911 or facility security at 215-545-2420.

Daily Crime Log

A daily crime log of reported incidents is maintained by Campus Security in conjunction with Student Services and the Office of Compliance. The log is available as public information during the hours of 8-5 Monday – Friday by contacting the Office of Compliance at compliance@harrisburgu.edu or Campus Security.

The Philadelphia location does not have Campus Security, but the facility security for the Spring Garden location does maintain a crime log. This log is available upon request at the security desk or by calling 215-545-2420.



How to Report an Emergency or Crime

Employees, students, and visitors are expected to report all crimes, suspicious activity, and public safety related incidents promptly and accurately. This includes incidents in which victims elect not to, or are unable to, make reports to HU Security or to local police.

Crimes and emergencies can be reported through the following channels:

HARRISBURG CAMPUS:

- Monday-Friday, from the hours of 7:00 a.m. - 10:00 p.m., crimes, suspicious activity, or safety issues should be reported to HU security at 717-901-5180. **From any HU telephone, individuals must dial 9 to access an outside line.** Nonemergency security matters can be reported by email to: security@harrisburgu.edu or compliance@harrisburgu.edu. Any afterhours email will not be addressed until the following business day. Residential students can also contact the on-call residence life staff member.
- After 10:00 p.m. and on weekends, issues should be reported to Harristown Property Security Services at 717-238-2726.
- Harrisburg Police can be reached 24/7 by dialing 911 to report emergencies, or 717-558-6900 for non-emergency matters. PA Capitol Police may also be reached at 717-787-3199.

PHILADELPHIA LOCATION:

- Facility security can be reached 24/7 at 215-545-2420.

Title IX and VAWA Statement

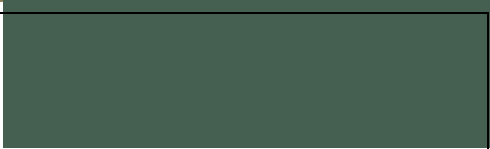
It is the policy of HU to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex (including sexual harassment and sexual violence) in HU's educational programs and activities. It is also HU's policy to comply with the federal Violence Against Women Act amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, and the accompanying regulations (collectively referred to as VAWA).

Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. HU has designated the Title IX Coordinator to coordinate HU's compliance with Title IX and VAWA, and to respond to reports of violations.

HU has directed its Clery Coordinator to coordinate HU's compliance with the Clery reporting related VAWA requirements.

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.





Confidential Resources for Victims of Sexual Misconduct

Victims of sexual misconduct have the option of confidentially reporting incidents.

Student victims of sexual misconduct can request confidential resources through HU's Counseling Center at 717- 901-5100 ext. 1727 or through <http://harrisburgu.edu/counseling-services>.

Employee victims of sexual misconduct can receive confidential support through HU's Employee Assistance Program (EAP) with Mutual of Omaha's Employee Assistance Program: 800-316-2796.

Medical services are available from the following resources near the **Harrisburg** campus:

Pinnacle Health Services Sexual Assault Forensic Examiner (SAFE) Program (Accessible through Emergency Room):
717-782-5205
111 South Front Street
Harrisburg PA 17101

Medical services are available from the following resources near the **Philadelphia** location:

Thomas Jefferson University Hospital, Center City Philadelphia Sexual Assault Forensic Examiner (SAFE) Program (Accessible through the Emergency Room on the corner of 10th and Sansom Streets):
132 South 10th Street
Philadelphia PA 19107

Philadelphia Sexual Assault Response Center (PSARC) 215-800-1589
Emergencies: 215-425-1625 (on-call sexual assault nurse examiner)
300 E. Hunting Park Avenue
Philadelphia, PA 19124



Violence Against Women Act (VAWA): Response to Domestic Violence, Dating Violence, Sexual Assault and Stalking

As required by Title IX and other laws, HU does not discriminate based on sex or gender in any phase of its educational or employment programs. If HU knows or reasonably should know of possible sexual misconduct, a thorough, impartial, and confidential investigation will be conducted as promptly as possible to determine whether there has been a violation of HU's Sexual Misconduct Policy. Sexual misconduct includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking.

Victims are not required to file complaints but are encouraged to do so. Regardless if sexual misconduct is reported, reasonable and available accommodations or protective measures are provided to victims upon request. Individuals may speak with a confidential resource by contacting HU's Counseling Center at 717-901-5100 ext. 1727, by email at counseling@harrisburgu.edu, or by filing a formal, non-confidential complaint with Matthew Point, Director of Compliance & Title IX Coordinator, by calling 717-901-5100 ext. 1769 or emailing compliance@harrisburgu.edu.

Filing a Title IX Complaint

In addition to, or instead of filing criminal complaints, students and employees who feel they have been a victim of sexual misconduct have the right to file a complaint with HU at any time, even if local police conclude there is insufficient evidence for a criminal charge. A complaint of this nature against a student, employee, or other person connected to HU may be filed with Matthew Point, Director of Compliance & Title IX Coordinator, by calling 717-901-5100 ext. 1769 or emailing compliance@harrisburgu.edu. Links for anonymous online reporting and Title IX Contact information are available on HU's Title IX/Sexual Misconduct webpage at <https://www.harrisburgu.edu/title-ix-sexual-misconduct-policy-reporting/>

Filing a Criminal Complaint

Victims of sexual assault may file criminal complaints by contacting the City of Harrisburg's Bureau of Police at 717-255-3131 or in person at 123 Walnut

Street, Room 217, Harrisburg, PA 17101, or the Philadelphia Police Department at (215) 686-3090 or in person at 401 N. 21st Street, Philadelphia, PA 19130.

Filing an Anonymous/Confidential Complaint

Victims, third-parties, or bystanders may also file anonymous/confidential complaints where disclosure of the sexual misconduct does not trigger official investigations and the victims can still receive medical treatment, advocacy services, legal assistance, and counseling. Conversations with a confidential resource are privileged communications and are not disclosed to others, including law enforcement or HU officials. Individuals may speak with a confidential resource by contacting the HU's Counseling Center at 717-901-5100 ext. 1727 or email at counseling@harrisburgu.edu.

Questions regarding HU's Title IX/Sexual Misconduct Policy, process and/or complaint procedures may be referred to Matthew Point, Director of Compliance & Title IX Coordinator at 717-901-5100 ext. 1769 or by email at compliance@harrisburgu.edu.

Questions may also be referred to the Office of Civil Rights (OCR):

Office for Civil Rights, Philadelphia Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
FAX: 215-656-8605; TDD: 800-877-8339
OCR.Philadelphia@ed.gov

Anonymous Reporting

While anonymous reports will be reviewed, and investigated by HU if possible, HU's ability to address anonymous reports is significantly limited due to its inability to fully investigate.

Individuals can make anonymous reports via this public link:

https://harrisburgu-advocate.symplicity.com/public_report/index.php/pid510028?

Reporters are encouraged to provide as much information as possible including the date(s) of incident(s), time(s), individual names, nicknames, locations, potential witnesses, and any other pertinent details.

Reporting Obligations

For Title IX purposes, all HU employees, including student employees and non-employees with teaching or supervisory authority, are "responsible employees" under HU's Title IX/Sexual Misconduct Policy. This means they are obligated to promptly report sexual misconduct they become aware of in the scope of their work for HU.

Sexual misconduct includes sexual assault, sexual harassment, dating and domestic violence, gender-based harassment (including sexual orientation and identity), stalking, and retaliation as defined in HU's Title IX/Sexual Misconduct Policy.

It is considered official notice to HU if a responsible employee "knew, or in the exercise of reasonable care should have known" about the misconduct. This includes incidents that are reported directly, are witnessed, or are reported by a third party (parent, other student), all of which should be reported to the Title IX Coordinator(s) below.

The only exempted employees to this reporting obligation are HU mental health counsellors, who are considered "confidential employees."

REPORT TITLE IX ISSUES TO:

Matthew Point
Title IX Coordinator
mpoint@harrisburgu.edu

Melissa Morgan
Deputy Title IX Coordinator
mmorgan@harrisburgu.edu

Ellyn Garcia
Deputy Title IX Coordinator
egarcia@harrisburgu.edu



Confidentiality in Sexual Misconduct Reporting

When complainants request that their name or other identifiable information not be shared with respondents and/or that no conduct proceeding or other action be taken, HU will seek to honor that preference when possible. In determining how to proceed, HU will balance a complainant's request with its obligation to provide a safe and nondiscriminatory environment for all HU community members, including the respondent.

HU will consider the following factors in evaluating such requests:

- The nature and scope of the reported conduct, including whether the reported conduct involved physical force or the use of a weapon;
- The potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;
- The respective ages and roles of the complainant and respondent, including whether the complainant is (or was at the time of the reported conduct), a minor under the age of 18;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there are any other documented complaints to HU related to similar behavior about the same respondent (if known);
- Whether the respondent has a history of convictions or records from a prior school indicating a history of harassment/misconduct, if such records are available;
- Whether the respondent threatened future sexual violence against the complainant or others;
- Whether the report reveals a pattern of conduct at a given location or by a particular group such that there is an increased risk of future acts of sexual misconduct under similar circumstances; and
- Whether the conduct included multiple respondents.

When HU determines that a complainant's request to remain confidential can be honored, HU will evaluate whether support measures will remedy any effects on the complainant and the HU community. Those steps may include offering appropriate supportive measures to the complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances. HU cannot impose sanctions on a respondent without due process including the opportunity of the respondent to cross-examine the

complainant should the complainant participate.

When HU determines that action should be taken that is inconsistent with the request of the complainant that a report remain confidential or that it not be acted upon, the complainant will be informed about the chosen course of action, which may include HU initiating a conduct proceeding against a respondent. In that event, HU will need to disclose the identity of the complainant to the respondent. If so, the complainant will be notified that HU intends to proceed with a conduct proceeding, but that the complainant is not required to participate in the proceeding or in any other actions undertaken by HU.

In cases when the complainant chooses not to participate, HU may pursue conduct proceedings if it is possible to do so without the complainant's participation. Where a complainant declines to participate in a conduct proceeding, however, HU's ability to meaningfully investigate and respond to a report, including a subsequent disciplinary hearing, may be limited.

HU Support in Matters of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

If HU receives a report of domestic violence, dating violence, sexual assault or stalking, the following procedures are followed:

Support measures can be provided. Support measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. An individual can initiate the process for support measures by contacting the Title IX Coordinator.

Rights and Options of those Reporting Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Regardless of whether individuals elect to pursue criminal complaints or whether the offense is alleged to have occurred on or off campus, HU will assist those who report being the target of sexual assault, domestic violence, dating violence, and stalking, and will provide them with a written explanation of their rights and options. Such written information includes:

- The procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- Information about how HU will protect the confidentiality of individuals and other necessary participants by excluding personally identifiable information about individuals in publicly available records, including Clery Act reports and disclosures.
- A statement that HU will provide written notification to students and employees about support services at HU and in the community.
- A statement regarding HU's provisions, options, and instructions for, and available assistance with, requesting accommodations and protective measures.
- An explanation of the procedures for institutional disciplinary action.

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, HU provides written notification to individuals about accommodations available to them, including academic, living, transportation, and working situations. The written notification includes information accommodation options, and instructions for, and available assistance with, requesting accommodations and protective measures (i.e., the notification includes the name and contact information for the individual or office that should be contacted to request the accommodations).

At an individual's request, and to the extent of his/her cooperation and consent, HU's offices will work cooperatively to assist individuals with obtaining assistance or alternative educational services. If reasonably available, individuals may be offered options to change their academic, living, working, or transportation situations regardless of whether they choose to report the crime to HU Security or local law enforcement. Examples of these options may be transferring to a different section of a course or withdrawing and taking the course at another time (if there is no option for moving to a different section, etc.), moving to a different room or residence hall, changing working hours, parking in a different location, or assisting the victim with a safety escort, etc.

On and Off-Campus Support Services

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, HU provides written notification about existing assistance and/or information for 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.

Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

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

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, and responsive to community needs
- Are informed by research, assessed for value, effectiveness, and/or outcome
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels
- Include educational programming of primary prevention and awareness for all incoming students and new employees with ongoing awareness and prevention campaigns for students
- Prohibits at HU the crimes of domestic violence, dating violence, sexual assault, and stalking as defined by the Clery Act

Retaliation

HU strictly prohibits retaliation against any member of its community for reporting an incident of sexual misconduct or for participating in an investigation or hearing related to a report of sexual misconduct. HU considers such actions to be protected activities in which all members of the HU community may freely engage.

Retaliation is a materially adverse action taken against an individual because they engaged in protected activities when the adverse action is sufficiently severe or pervasive that it could deter a reasonable person from engaging in the protected activities. Members of the community are prohibited from engaging in actions directly or through others that reasonably could deter a party or a witness from reporting sexual misconduct or participating in an investigation or hearing.

Applicable HU Policies

HU's Title IX/Sexual Misconduct Policy containing its complaint and resolution process are contained in Chapter Three of the Student Handbook and Appendix 2 of this report.

Campus Security Authorities (CSA)

A crime is reported when a party, witness, or other individual (even the offender) brings it to the attention of a CSA or local law enforcement. If a CSA receives crime information, the CSA must report it to Campus Security. The report should include the date, location, and details of the crime.

CSAs assist HU in fulfilling its responsibility to annually disclose accurate crime statistics, and to issue or facilitate the issuance of timely warnings or emergency notifications for crimes that pose a serious or continuing threat to the campus community.

A CSA can be an individual, or an organization that is associated with HU, and has significant responsibility for student and campus activities. Individuals at HU who meet the criteria for being CSAs include, but are not limited to a member of student services that oversees student housing or student extra-curricular activities; a faculty advisor to an individual or group; a student resident assistant (RA) or a student who monitors access to residence halls; a Title IX Coordinator; members of a sexual violence response team (SVRT); and HU Campus Security

Pastoral counselors and professional counselors are not CSAs under the Clery Act. Although HU does not employ pastoral counselors, it does employ professional counselors. HU's professional counselors are trained to provide reporting contacts and information to individuals, and to explain reporting rights to students. Professional counselors may also assist students in reporting

crimes if appropriate permissions are granted. Individuals may speak with HU's Counseling Center at 717-901-5100 ext. 1727 or email at counseling@harrisburgu.edu.

Information Regarding Registered Sex Offenders

Information regarding registered sex offenders is available at www.pameganslaw.state.pa.us. Information about sexually violent predators is also accessible at this website.

Primary Prevention and Awareness Programs by HU

HU's Connection Leader program trains HU students to mentor first year students. Connection Leaders receive training specific to Clery and crime reporting as well as sexual assault prevention and active bystander intervention. Students also learn about sexual assault, domestic and dating violence, stalking, and how to report such offenses. All students are required to complete a mandatory computer-based training course on Title XI and Sexual Assault Awareness by Everfi. Everfi Training is discussed during Welcome Weekend and First-Year Seminar Classes and includes topics such as understanding sexual assault, domestic and dating violence, stalking, and how to report such offenses.



HU Campus Resources

ADA Assistance: 717-901-5100 ext. 1661
 HU Counselling Center: 717-901-5100 ext. 1727
 or counseling@harrisburgu.edu
 Human Resources: 717-901-5112
 Residential Life: 717-901-4100 ext. 4100
 Student Conduct: 717-901-5149
 HU Unscheduled
 Closing Hotline: 717-901-5199

OFF-CAMPUS EMERGENCY NUMBERS (HARRISBURG)

Harrisburg Police 911 or 717-558-6900	Capitol Police 717-787-3199
Harrisburg Hospital 717-782-3131 ER: 717-782-5256	Nat'l Suicide Hotline 800-273-8255
Legal Aide 717-236-9486	YWCA Sex Assault & Domestic Violence Hotline 717-238-7273
Trevor Project 866-488-7386	National Poison Control 800-222-1222
Crisis Text Hotline Text "start" to 741-741	Hamilton Health Center 717-232-9971
Helpline (Harrisburg) 800-932-4616 to talk 211 for resources	Trans Lifeline 877-565-8860



OFF-SITE EMERGENCY NUMBERS (PHILADELPHIA)

Campus Security
215-545-2420

Philadelphia Police
911 or 215-686-3090
Non-emergency: 311

**Phil. Suicide & Crisis
Center:**
215-686-4420

Nat'l Suicide Hotline
900-273-8255

Phil. Legal Assistance
215-981-3800

Phil. Domestic Violence Hotline
866-723-3014

Office of Behavioral Health Emergency 24-hour hotline:
215-685-6440

Trevor Project
866-488-7386

National Poison Control
800-222-1222

Crisis Text Hotline
Text "start" to 741-741

E. Blackwell Health Center
215-351-5560

Warmline (Phil.)
855-507-9376

Trans Lifeline
877-565-8860

**Woman Organized
Against Rape Hotline:**
800-656-4673

Women Against Abuse
866-488-7386



Security of Campus Facilities

HU's Harrisburg Campus

HU's Harrisburg Campus is in an urban setting with areas that are open to the public during normal business hours, such as the first floor containing Admissions and Financial Aid and parking garage floors three through nine.

Floors two and 10-14 containing HU's academic areas, student affairs, HU's library, and faculty and administrative offices are controlled by card access.

Outside of normal business hours, areas are accessed by using HU issued access cards. Individuals with authorization to access HU buildings are cautioned against permitting strangers to enter HU facilities and are urged to require those seeking entry to use their own personal access cards.

Access to student residences, which are available for HU students through various leasing agents, is restricted to residents, approved guests, and approved members of the HU community. Residents enter the building by swipe card and use a residence hall key to enter rooms. Resident Life Coordinators (RLC) and Resident Advisors (RA) maintain security measures and work with residents to achieve a residential community respectful of individual and group rights and responsibilities.

Access to HU's Blackberry and 225 Market Street locations, as well HU's Aquaponics Research Laboratory at Steelton-Highspire High School, is restricted to approved HU personnel and accessed by a HU-issued swipe card.



HU maintains exterior lighting to keep the Harrisburg Campus well lit. Maintenance personnel also inspect the Harrisburg Campus to discover and correct health, safety, and maintenance problems.

Maintenance problems, including issues associated with locks and doors in need of repair should be immediately reported to the Facility Manager, Damien Kerstetter, at 717-901-5189 or by email at dkerstetter@harrisburgu.edu, to the Security Desk on the first floor, or by calling 717- 901-5180.

HU's Philadelphia Location

HU's site in Philadelphia is in an urban setting, with a reception area accessible during normal business hours. Access beyond the reception area is granted after checking in.

For access issues, or health, safety, and maintenance issues at the Philadelphia location, contact HU's Philadelphia Operations Manager, Keith Ramirez, at 717-901-5100 ext. 1691 or by email at kramirez@harrisburgu.edu



Emergency Response Procedures

If a situation poses an immediate threat to the health and safety of the HU community, HU will issue a Safety Bulletin or Timely Warning to expedite emergency response and/or evacuation procedures. The goal of HU Safety Bulletins and Timely Warnings is to notify as many people as possible, as rapidly as possible, and through a variety of channels with adequate follow-up information as needed. Information will be distributed through HU's Omnilert (HU's emergency text messaging notification service), Twitter, Facebook, recorded message (by phone or email), all logged-on computer terminals, and/or public-address systems in campus buildings.

To receive text messages (when delivery is appropriate), students and employees must and should register with the Omnilert system through MyHU and provide their mobile phone number.

Local television and radio stations may disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The public can also access emergency information at the HU homepage and/or social media.

All or some of these methods of communication will be used to provide follow-up information to the HU and possibly surrounding community. Updates and follow-up information are also be posted on www.harrisburgu.edu.

All HU email addresses will automatically receive HU emergency communications.

In the event of an emergency, HU provides immediate notifications to the appropriate segments of the HU community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees and/or visitors (unless, in the professional judgment of responsible authorities, notification will compromise efforts to assist a victim or respond to, or otherwise mitigate, the emergency).

HU Safety Bulletins are issued for incidents such as major hazardous materials releases, major fires, extended power outages, infectious disease outbreaks, or weather-related events that could directly impact the campus. The content of these messages is crafted based on the safety risks the incident or event poses to the HU community.

Timely Warning Notices

If a crime is reported within HU's Clery Geography (on-campus, public property, and non-campus property), and poses a serious or continuing threat to the HU community, a timely warning notice is issued to the entire campus community. When a serious crime is reported, HU administrators, including the President and the Vice-President for Finance/CFO/COO, typically develop the content and issue a timely warning using some or all of the previous communication means listed.

Timely warnings are usually distributed for the following Uniform Crime Reporting (UCR) program classifications: major incidents of arson, criminal homicide, and robbery. Incidents of aggravated assault and sex offenses are considered on a case-by-case basis. HU determines whether there is a threat or continuing danger to the campus community after reviewing the facts and the amount of information known by HU at the time.

Incidents involving sexual assault are often reported to HU long after they occurred, thus making it impossible to distribute a "timely" warning notice to the community. Sex offenses are evaluated on a case-by-case basis depending on when and where the reported incidents occurred, when they are reported, and the amount of information that is known by HU at the time of the assessment. To ensure confidentiality, notifications never include the names or identifying information of victims.

Cases involving property crimes are assessed on a case-by-case basis. When there is a discernable pattern of a crime, HU issues timely warnings to aid in the prevention of similar occurrences. To ensure confidentiality, notifications never include the names or identifying information of victims.

Evacuation Procedures

General Evacuation Procedures

When evacuations are deemed necessary, occupants are expected to leave campus buildings immediately and orderly, by the nearest designated exit. Staff are available to direct students, staff, faculty, and visitors to the designated evacuation areas and safety zones. Campus facilities may be evacuated depending on the threat or incident.

If facilities are evacuated, individuals are expected to adhere to the following instructions:

- Leave immediately when the alarm sounds. Close all doors upon exiting, proceed to the fire exit, and leave the building.
- Use the stairs. Never use the elevators. Elevators stop when there is a power failure, causing the occupants to become trapped. Smoke may enter the elevator shaft and asphyxiate the elevator occupants trying to evacuate the building.
- When there is smoke, stay low and take short breaths through the nose until reaching a place of refuge.
- Feel doors and if cool, open them cautiously and proceed to a place of refuge. Be prepared to reclose doors when corridors are full of smoke or if there is heat pressure against a door. If corridors are clear, evacuate the building by using the stairs and exit the closest exterior door to safety.
- Do not open doors that are hot and if possible, seal off any cracks with clothing. Individuals should call 911 and provide their specific location, including room number and floor.
- Keep moving for at least two blocks from the exited building. No one should re-enter a building unless given permission by the Fire Department or Campus Security.

People with Functional and Access Needs: If the floor must be evacuated, occupants should plan to locate in an Area of Refuge, usually a fire tower in a stairwell. They should call 911 to identify their location, floor, and whether

special equipment to descend the stairs is necessary. Plan to have a responsible person assisting in the event of a fire.

If an occupant becomes trapped and cannot reach a fire exit, they should keep the door closed, cover any cracks, and immediately call 911 to provide a location, floor, and room number, if possible.

Shelter-In-Place Procedures

Shelter-in-place means to seek immediate shelter and remain there during an emergency, rather than evacuate an area. Certain events, such as severe weather or hazardous materials contamination, may necessitate the initiation of HU's shelter-in-place policy.

In the event the shelter-in-place protocol is initiated, occupants are advised to do the following:

- Stay inside the building in which they are located, or if they are outside, go into the nearest building that would provide a safe haven depending on known circumstances.
- Move to interior rooms with no windows or closed windows (rooms that have little or no outside ventilation are preferred).
- Close any open windows and doors.
- Await further instruction.
- Do not evacuate until an "All Clear" is given by emergency personnel or ENS notification.

Lockdown

A lockdown is a protocol used when there is an immediate threat to the building occupants and there is a need to stop all access or a portion of access to the campus. In the event of a Lockdown, building occupants should secure themselves in a room until the situation is resolved. If the event is an ACTIVE SHOOTER scenario, your best chance of survival may be to get out of the building as quickly as possible, so occupants need to be aware of and assess the pending situation.

During a lockdown, the following is advised:

IF YOU ARE INSIDE A BUILDING:

- If the threat is inside the building, leave immediately and try to get others to leave as well.

- Lock exterior doors only if the threat is outside the building and it is safe to reach the doors.
- Call the police: 911.
- Notify building occupants of “Lock Down” status if possible.
- Close, lock, and barricade interior doors, if possible.
- Hide in a room or office.
- Remain quiet.
- Wait until emergency personnel confirm that it is safe to leave.

IF YOU ARE OUTSIDE OF A BUILDING:

- Do not enter the building.
- Get as far away as possible from the building under lockdown.
- Find a safe location and stay there,
- DO NOT LEAVE the safe area until emergency personnel confirm that it is safe to leave.
- Do not call or text anyone in the location under lockdown as it may endanger lives.
- Call 911 if you have relevant information.

Testing of Emergency Responses

On an annual basis, HU conducts tests of its emergency response and evacuation procedures. Tests may be announced or unannounced. During these tests, students and employees learn the locations of the emergency exits in the buildings, the direction they should travel when exiting each facility, and their designated rallying points.

In conjunction with one test a year, HU publicizes and announces its emergency response and evacuation procedures to members of the HU community.

Fire Safety Features in Affiliated Student Residences

The HU affiliated facilities for residential housing at the Harrisburg Campus are equipped with automatic sprinkler systems, building alarm systems, fire extinguishers, and fire-rated doors. Smoke detectors are in all sleeping and cooking areas. The manufacturer of the alarms is Simplex Grinnell and alarms are monitored either by Choice or Eastern Time. All alarms are wired, and battery powered.

Philadelphia does not have any student housing facilities.

In addition to the foregoing safety features, fire drills are conducted each semester to ensure that students are aware of procedures to follow in the event of an actual fire.

Policies Related to Fire Safety

Daily Fire Log

A daily fire log of reported incidents is maintained by Campus Security in conjunction with Student Services and the Office of Compliance. The log is available as public information during the hours of 8-5 Monday – Friday by contacting the Office of Compliance at compliance@harrisburgu.edu or Campus Security.

The Philadelphia location does not have does not have housing for student, as such, they do not maintain an active Daily Fire Log.

Emergency/Fire Safety Equipment

Proper use of, and response to, fire alarms is required. Disciplinary action will be taken against anyone who falsely, intentionally, or negligently tampers with or activates fire safety equipment. Fire safety equipment includes smoke/heat detectors, sprinkler heads, fire extinguishers, pull stations, alarm panels, and exterior doors. Disciplinary action will be taken against anyone who fails to respond to a fire alarm, regardless of whether an emergency exists. Fire escapes are to be used only for emergency evacuations. Students should expect at least one practice fire drill per semester.

Fire Hazards

No materials, liquid or otherwise, of an explosive or combustible nature shall be kept on HU premises or affiliated facilities. Candles, incense, and open flame decorations are fire hazards and are prohibited. **Smoking on any HU property is strictly prohibited.**

Fireworks and Explosive Materials

The possession or use of fireworks and/or other explosive materials is prohibited on HU premises and affiliated facilities.

Open Flame

Open flame devices, including candles and incense, are prohibited in housing facilities.

Safety Checks

During vacation periods and occasionally throughout the semester, safety checks are conducted in the residence suites to ensure that they have been left in safe condition. Notice is posted at least 24 hours in advance. When policy violations are in plain view, they are documented, and disciplinary action is taken. All residence suites receive a health and safety check once each semester to ensure cleanliness and continued optimal operation and condition of the facility. Residents receive at least 24-hour notice before the safety checks.

Fire Emergency

When the fire alarm sounds, every resident is required to leave the building at once using the nearest stairway exit.

OCCUPANTS ARE ADVISED TO FOLLOW THESE SAFETY MEASURES:

- Before exiting, feel the door from top to bottom (follow this procedure for all closed doors that are encountered).
- If the door feels cool:
 - Crouch low and open door slowly. Close door quickly if heavy smoke or fire is present.
 - If visibility permits, leave the room (keys should be taken, and the door should be closed after exiting).
 - Leave the building via the stairways. Stay as low as possible if smoky conditions exist (crawl if necessary).
 - If heavy smoke is encountered in a stairwell, go back and use another set of stairs.
 - Never use the elevator during a fire alarm as it will not work without power and smoke may suffocate trapped occupants.
 - Exit the building and move at least 2 blocks in a safe direction.
 - Return to the building only when officials announce that it is safe.
- If the door feels hot:
 - Do not open the door.
 - If possible, call 911 and report the situation and location. Stay off the phone after calling 911 so fire officials may reach you.

- Wedge wet towels or clothing under the door sill to keep smoke out.
- Keep a soaked towel over your head.
- Open a window and hang out a bed sheet to call attention to your location. Close window on sheet if necessary, to keep smoke from entering in through the window.
- Stay low until help arrives.

Reporting a Fire

- In the event of a fire, occupants should immediately activate a building fire alarm, which alerts building staff and all residents of impending danger.
- Call 911 to report the fire and notify staff of the location of the fire.
- Evacuate, if possible, move at least 2 blocks in a safe direction and stay clear of the building.

Smoke Detectors

Smoke detectors are in every resident suite. When engaged, smoke detectors activate the general building alarms. Testing or tampering with smoke detectors is a housing violation. Smoke detector problems should be reported immediately.

Tampering with Fire Safety Equipment

Tampering with fire safety equipment, including smoke alarms and sprinkler heads, or purposely activating a false alarm violates state and local laws and violates HU policy. Sanctions for these offenses can include removal from HU affiliated housing. Individuals who tamper with or discharge a fire extinguisher without cause will face disciplinary action. Sanctions include possible removal from student housing and clean-up charges.



Reporting a Fire After the Fact for Statistical Purposes

Federal law requires HU to annually disclose statistical data on all fires that occur in on-campus student housing facilities. On-campus fires that were extinguished should still be reported to Campus Security at 717-901-5180.



Missing Resident Student Notification

HU encourages all students to list emergency contacts with HU via the “UG New Student eForm” at the MyHU website under the “Academics” tab. Students can also email the Office of Records and Registration at registrar@harrisburgu.edu to update their emergency contact information. If anyone has a reason to believe that a student residing in campus-affiliated housing is missing, it should be immediately reported to HU Campus Security at 717-901-5180 and to Residence Life.

If HU determines that a student is missing, it will notify the Harrisburg Police or other local law enforcement agencies, regardless of whether the student has identified a missing person contact. HU will also notify the Director of Student Services or a designee. The Director of Student Services or a designee will notify the student’s emergency contact within 24 hours after it is determined that the student is missing. If the missing student is less than 18 and not emancipated, the Director of Student Services will immediately notify the student’s parent or guardian in addition to his or her designated contact.

The HU Philadelphia site does not have student housing facilities.

Weapons Policy

Firearms and other dangerous weapons are strictly prohibited in or on facilities owned or controlled by HU. This prohibition applies to all persons, even those who possess a license to carry such weapons, except for authorized law enforcement performing official functions. Reported violations will be investigated and violators will be arrested, cited, and/or disciplined as appropriate.



HU Security Awareness Programs

HU takes a proactive approach to preventing crimes. The goal of crime prevention and security awareness programs is to minimize or eliminate criminal opportunities, whenever possible, and to encourage students, faculty, and staff to be responsible for both their own safety and the safety of others. During new student orientation, students and their families are informed about the types of crimes that occur on campus and prevention resources offered by HU for security awareness and crime prevention programs.

Safety Awareness Programs are offered year-round and include:

For New Student Orientation:

The Office of Student Services conducts informational sessions to introduce students to campus security, reporting procedures, and HU policies.

New Student Orientation also addresses training on Sexual Assault, Active Bystander Training, and strategies for addressing and preventing sexual assault, dating and domestic violence, and stalking. HU also recommends resources for survivors.

New Hire/Employee Orientation:

New employees are informed about HU's policies, reporting procedures, the Clery Act, and receive instructions for a training on Title IX. New employees are provided with information regarding employee duties and the resources to respond to sexual assault, domestic or dating violence, and stalking. The Office of Human Resources explores new strategies for disseminating Clery, Title IX, and other relevant employment information to faculty and staff.

Safety Prevention and Risk Reduction Programs

The following programs are offered to assist students with crime prevention and risk reduction:

- **Campus Safety and Healthy U Month.** During the months of August and September, Student Services a series of events that promote health and safety on campus such as Alcohol Awareness Training for student leaders by the PA Alcohol Board, self-defense classes, nutrition 101, conduct expectations overview, Q & A session with the Harrisburg Police, Suicide Prevention Week, Coffee with the Cops, and group session on Healthy and Unhealthy Relationships.
- **Alcohol Awareness.** Residential Life staff educate students about the psychological effects of alcohol abuse and precautions to maintain student personal safety.
- **Sexual Assault Awareness.** Training and resources are provided through Everfi Programs for first-year students and employees. Programs include “Building Supportive Communities” and “Sexual Assault Prevention for Undergraduates.”
- **Safe Sex Awareness.** Residential Life presents “Wrap It Up” training on safe sex and consent.
- **HU Threat Assessment Team (TAT).** HU has a team consisting of HU professionals from multiple disciplines who are engaged in the essential function of behavioral and situational emergency intervention.
- **HU CARES Team.** HU has formed a CARES team to support at students who are at risk due to medical, mental health, economic, or other crises.
- **NaBITA Training.** Members of HU’s TAT participated in threat assessment training through the National Behavioral Intervention Team Association (NaBITA).
- **HU Staff Training.** All new hires are assigned a Title IX and Clery training course through Everfi. This course provides new employees with information on HU’s programs & policies, as well as contact information for the University’s Title IX staff.



HU Crime Prevention Efforts

HU provides a structure for the protection of students while on campus. The elements of this system include:

- **Maintaining video imaging systems.** HU has 127 cameras and various video imaging systems installed at the Harrisburg campus which are streamed to NVRs (Network Video Recorder) as well as streamed to a centralized monitoring station for real-time review by Campus Security.
- **Harrisburg Police Presence.** As a proactive security measure, HU has collaborated with the City of Harrisburg to station an officer from the Bureau of Police at HU's campus.
- **Maintaining Code Blue Emergency Phones.** Emergency phones are strategically placed in the stairwells at the Harrisburg Campus and the associated parking garage. The phones ring automatically to Harrisburg Police Dispatch or 9-1-1.
- **Maintaining Key Card Access.** Elevators and stairwells at 326 Market, 225 Market, the parking garage, The Whitaker Center, and front entries of student housing facilities and the Philadelphia campus are accessed with key card approval.



Annual Drug- and Alcohol-Free Environment Notification

Drug Free Schools and Communities Act Information

As a requirement of the Drug-Free Schools and Communities Act and the Drug and Alcohol Prevention Regulations (collectively DFSCA), HU is to disseminate and ensure receipt of the below policy/information to all HU students and employees.

Drug and Alcohol Use

In accordance with DFSCA, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any federal funded or guaranteed student loan program, unless it has adopted and has implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees.

General Rules Governing the Use of Alcohol

HU encourages and seeks to sustain an academic environment that respects individual freedom and promotes the health, safety, and welfare of all members of its community. In keeping with these objectives, and also conforming to the laws of the Commonwealth of Pennsylvania, HU established the following policy governing the possession, sale, and consumption of alcoholic beverages by members of the HU community. HU's alcohol policy is intended to encourage the HU community to make responsible decisions about the use of alcoholic beverages, and to promote safe, legal, and healthy patterns of social interaction.

HU prohibits:

- the possession and/or consumption of alcoholic beverages by persons under the age of 21 on property owned or controlled by HU or as part of any HU activity.
- the intentional and knowing sale or furnishing of alcoholic beverages to persons under the age of 21 or to persons obviously inebriated on property owned or controlled by HU or as part of any HU activity. Pennsylvania law currently defines "furnish" as "to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged."
- the consumption of alcoholic beverages by any HU student or employee that adversely affects academic or job performance and/or endangers the

physical well-being of other persons and/or oneself, and/or which leads to damage of property.

- the possession, sale, distribution, promotion, or consumption of an alcoholic beverage that violates federal, state, or local law, including the sale, directly or indirectly, of any alcoholic beverages at a premise, or by an entity not licensed for such sales on property owned or controlled by HU or as part of any HU activity.

Drugs/Controlled Substances

The illegal use, possession, sale, or distribution of any controlled substance is a violation of both federal and state laws, as well as HU policy. Such laws are strictly enforced, and violators are subject to HU disciplinary action, criminal prosecution, fine, and imprisonment.

Descriptions of applicable legal sanctions for the unlawful possession and distribution of illicit drugs (and alcohol and related health risks) are listed in the Student Handbook and Employee Handbook located in MyHU, as well as HU's *Drug and Alcohol Prevention Policy* that is attached as Appendix 6 of this report.

Drug and Alcohol Counseling and Treatment Programs

The following resources are available to students and employees seeking help with drug and alcohol related problems:

- **Harrisburg**
 - Narcotics Anonymous 717-233-3733 or www.na.org
 - Alcoholics Anonymous 717-234-5390 or www.aa.org
 - Helpline 717-652-4400 or www.contacthelpline.org
 - Dauphin County Department of Drug & Alcohol Services 717-635-2254 or www.dauphincounty.org
- **Philadelphia**
 - Bridge Therapeutic Center at Fox Chase 215-342-5000 (ages 14-19).
 - Narcotics Anonymous 215-629-6757 or www.na.org
 - Al-Anon Family Groups 215-222-5244
 - Youth Alcohol Program (Philadelphia) (215) 289-3350 (provides individual and group sessions for anyone who has a problem with drugs or alcohol).
- **Both Locations**
 - National Institute on Drug Abuse Hotline or (800) 662-Help (4357)
 - Alcoholics Anonymous (Philadelphia) (215) 535-9609 or www.aa.org
 - Al-Anon Family Groups General Line (888) 425-2666



**ANNUAL SECURITY REPORT & ANNUAL FIRE SAFETY
REPORT DEFINITIONS AND STATISTICS 2020**

Clery Act Reporting

Publication of this annual report is required by federal law. The annual crime statistics at HU were compiled by Student Affairs and campus officials with the responsibility for oversight of student activities, and relevant local and state police agencies. HU's yearly crime statistics are compiled on a calendar-year basis in accordance with the definitions of crimes provided by the FBI for use in the Uniform Crime Reporting (UCR) system. The report includes statistics for the previous three years concerning crimes that occurred on HU's campus and other locations and were reported to HU designated campus officials. Additionally, these statistics include individuals who were referred for campus disciplinary action for categories required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), including liquor and drug law violations and illegal weapons possession.

Statistical information for certain off-campus locations or property owned or controlled by HU, as well as public property within or immediately adjacent to and accessible from campus, are collected or requested from local police departments. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported.

The crime statistic tables reflect the requirements mandated by federal law for compiling this report, which became effective February 2011 and were amended July 2016 to include VAWA requirements. HU reports the crimes required by the Clery Act that occurred on or within an institution's Clery Geography that were reported to a CSA.

Clery Geography for Statistical Reporting

On-Campus means all property, including on-campus housing facilities, owned or controlled by HU within the same reasonably contiguous geographical area used by HU in direct support of, or in a manner related to, HU's educational purposes, including residence halls, and any building or property within the same reasonably contiguous geographic area of the institution that is owned by HU, but controlled by another person and is used by students and supports institutional purposes (such as a food or other retail vendor).

On-Campus Student Housing Facilities means property owned or controlled by the institution used to provide housing for the institution's students.

Non-Campus means any building or property owned or controlled by a student organization that is officially recognized by HU, or any building or property owned or controlled by HU that is being used in direct support of, or in relation to, HU's educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the HU campus.

Public Property means all public property, including thoroughfares, streets, sidewalks and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus. The Clery Act does not require disclosure of crime statistics for public property that surrounds non-campus buildings or property.

Clery Act Reporting Descriptions

Hate crimes are crimes that manifest evidence that a victim was intentionally selected because of actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability. Reportable crimes that are reported as hate crimes are listed in the crime statistics starting on page 54.

Student Conduct referrals are persons not arrested for liquor law violations, drug law violations or illegal weapons possession, but who were referred for campus disciplinary action. A referral for campus disciplinary action for violation of HU's policies regarding alcohol, drugs or weapons does not necessarily mean that a violation of law has occurred. Referrals that were the result of an arrest or citation are reflected elsewhere in the crime statistics. Student Conduct Incident Reports reflect the number of individuals referred for campus disciplinary action.

Classifying Crime Statistics

The statistics contained in this report are published in accordance with the standards and guidelines used by the Federal Bureau of Investigation Uniform Crime Reporting Handbook and the Clery Act.

The number of victims involved in an incident is indicated for the following crime classifications: murder/non-negligent manslaughter, manslaughter by

negligence, sex offenses (rape, fondling, incest, statutory rape) and aggravated assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics.

The number of incidents involving an offense is indicated for the following crime categories (includes one offense per distinct operation): robbery, burglary and arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of motor vehicle theft, each vehicle stolen is counted.

In cases involving liquor law, drug law, and illegal weapons violations, each person who was arrested is indicated in the arrest statistics. If an arrest included offenses for multiple liquor or drug law violations, it is only counted as a drug law violation under the Hierarchy Rule.

The statistics captured under the “Referred for Disciplinary Action” section for liquor law, drug law, and illegal weapons violations indicate the number of people who were referred to Student Conduct and charged for violating those specific laws.

Statistics for hate crimes are counted in each specific Clery reportable crime category and therefore are part of the overall statistics reported for each year. The only exception to this is the addition of a bias motivated larceny, simple assault resulting in bodily injury, intimidation, and vandalism; the law requires that this statistic be reported as a hate crime, even though there is no requirement to report the crime in any other area of the compliance document.

Hate Crime Definitions

Hate Crimes: A criminal offense committed against a person or property which is motivated, in whole or part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation or ethnicity/national origin.

HU is required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder/non-negligent

manslaughter, sex offenses (forcible and nonforcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

Larceny-Theft: The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is able to exercise dominion or control over a thing.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness. **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

If a hate crime occurs where there is an incident involving intimidation, destruction/damage/vandalism of property, larceny-theft or simple assault, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Definitions of Reportable Crimes and Other Associated Terms

Murder and Manslaughter by Negligence: The willful (nonnegligent) killing of one human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

Sexual Assault: Any nonconsensual sexual act proscribed by federal or Illinois law, including when the victim lacks capacity to consent. An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's UCR program (42 U.S.C. § 13925(a)(29)).

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.

- **Rape**—The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling**—The touching of the private body parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence:

- A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred (42 U.S.C. § 13925 (a)(8)); or,
- Under Pennsylvania's Protection from Abuse (PFA) statute, abuse is defined as 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 the crime of false imprisonment); (4) Physically or sexually abusing minor children, including such terms as defined in

Chapter 63 of the Child Protective Services Act; (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. 23 Pa.C.S. § 6102

The definition of this paragraph applies only to proceedings commenced under the PFA statute and is inapplicable to any criminal prosecutions commenced under Title 18 of Pennsylvania's criminal statutes.

Dating Violence:

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting (42 U.S.C. § 13925 (a)(9) and (10)); or
- Threatening to use physical, mental or emotional abuse to control another person who is in a dating relationship with the person.
- The existence of a dating relationship in 1 or 2 above shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Stalking:

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for the person's safety or the safety of others, or (B) suffer substantial emotional distress. For the purposes of this definition: (i) Course of conduct means two or more acts, including, but not limited to, acts in 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, (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim, (iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling, (iv) Any incident meeting

this definition is considered a crime for the purposes of Clery Act reporting (42 U.S.C. § 13925 (a)(30)) or,

- Under Pennsylvania law, stalking occurs if a person: (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. 18 Pa.C.S. § 2709.1.
- Stalking may be accomplished by physical act or electronic means, such as computer or cell phone.

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, violence and/or causing the victim fear.

Aggravated Assault: An unlawful attack by one person upon another for inflicting severe or aggravated bodily injury. This type of assault is usually accompanied using a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes unlawful entry with intent to commit a larceny or a felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking and all attempts to commit any of the preceding offenses.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. (All cases are classified as motor vehicle theft where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joy riding.)

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, etc.

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the preceding offenses. (Drunkenness and driving under the influence are not included in this definition.)

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine), marijuana, synthetic narcotics (Demerol, methadone) and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Illegal Weapons Law Possession: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons, carrying deadly weapons, concealed or openly, furnishing deadly weapons to minors, aliens possessing deadly weapons, all attempts to commit any of the preceding offenses.

Clery reportable offense crime definitions are taken from the FBI Uniform Crime Reporting Handbook.

Awareness programs: Communitywide or audience specific programming, initiatives and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration.

Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:

- Recognizing situations of potential harm.
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervene, identifying safe and effective intervention options, and taking actions to intervene.

Ongoing prevention and awareness campaigns: Programming, initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence,

sexual assault and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs: Programming, initiatives and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

Risk reduction: 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.

Prompt, fair and impartial proceeding: A proceeding that is completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay;

Conducted in a manner that:

- Is consistent with the institution's policies and transparent to the accuser and accused.
- Includes timely notice of meetings at which the accuser or accused, or both, may be present.
- Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.
- Contains no conflict of interest or bias on behalf of the officials toward either the accuser or the accused.
- Ensures the conducting officials have, at a minimum, received annual training on the issues relating to dating violence, domestic violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Advisor: Any individual who provides the accuser or accused support, guidance or advice.

Programs to prevent dating violence, domestic violence, sexual assault and stalking: Comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- 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 consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees.

Proceeding: All activities related to a noncriminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Result: Any initial, interim and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

Unfounded Crimes: An institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution and the failure to make an arrest do not “unfound” a crime report.

Consent: Consent is when clearly understandable words or actions manifest a knowing, active, voluntary, present, and ongoing agreement to engage in specific sexual or intimate contact. Relying solely on non-verbal communication can be unclear and lead to misunderstandings and harmful consequences for all parties

involved. Individuals should be able to articulate why and how they knew they had received consent and what they considered to be indications of consent before they engaged in sexual activity.

Consent is not present when an individual does not have the capacity to give consent. Inability to give consent can be due a physical or mental condition, or the age of consent as defined by law. Things that can impair the ability to give consent include, but are not limited to, disability, the voluntary or involuntary consumption of drugs or alcohol, unconsciousness, sleep, or where the person is unaware that sexual activity is occurring.

Crime Rates and Statistics for 2020 Reporting

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* [20 U.S. §1092(f)] is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The following pages provide crime rates and statistics for each of HU's campuses for the 2019, 2018, 2017 calendar years as required by federal law.

The Clery Act requires the following “Clery Crimes” must be reported:

- Murders
- Robberies
- Burglaries
- Arson
- Sex Offenses
- Liquor Law Violations
- Weapons Possessions
- Stalking
- Manslaughter by Negligence
- Aggravated Assaults
- Motor Vehicle Thefts
- Domestic Violence
- Dating Violence
- Drug Abuse Violations
- Hate Crimes

These crimes are sorted by year and location of occurrence. Crimes reported in the “On Campus Student Housing” columns are also accounted for in the “On-Campus” column.

Information of reported hate crimes for each campus is also provided and includes statistics obtained from the local law enforcement using good faith efforts. This information includes the year, the type of the offense, where the incident occurred on campus, and the type of discrimination involved. Types of discrimination reported include discrimination based on gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability. In addition, the Pennsylvania Uniform Crime Reporting Act mandates the release

of crime statistics and rates to matriculated students and employees, and, upon request, new employees, and applicants for admission.¹

HU's Harrisburg Campus²

Clery Crimes	On Campus 2019 ³	On Campus 2018 ⁴	On Campus 2017	Student Housing 2019	Student Housing 2018	Student Housing 2017	Non-Campus 2019	Non-Campus 2018 ⁵	Non-Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Rape	0	1	3	0	1	3	0	0	0	0	2	1 ⁶
Sex Offense: Fondling	1	0	1	0	0	0	2 ⁷	0	0	0	0	0
Sex Offense: Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	2	0
Aggravated Assault	0	1	1	0	1	1	2	3	0		1	2
Burglary	2	0	0	1 ⁸	0	0	0	0	0	0	1	2
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	2	5	1	2	4	4	3	0	0	6	6

¹ NOTE: Clery requires that all incidents be reported annually. This includes incidents, that despite being reported, were unfounded by HU, not criminally prosecuted by local authorities, or not resulting in a conviction within the judicial system.

² NOTE: If a reported incident occurred in student housing, it must be counted under Clery in both the student housing column and the on-campus column of the statistical report. This is because under Clery, HU's student housing is deemed on-campus. Therefore, in 2017 for example, HU had a total of 3 reported incidents of rape, not 6.

³ In 2019 the City of Harrisburg Police reported to call which was report as "harassment/terroristic threat"; however, no arrest was made, and the event was non-hate-crime related. This incident, while not it does not fall within a Clery-reportable category, has been included in an abundance of transparency.

⁴ Included in the Harrisburg campus statistics is HU's Aquaponics Research Laboratory at Steelton-Highspire High School. Although no Clery reportable crimes occurred at HU's Laboratory which is separate and apart from the high school, a singular act of fondling, three acts of aggravated assault, and a singular act of dating violence occurred at or in the high school.

⁵ Statistics include a Clery qualifying, second annual overnight trip by students to Korinthos, Greece. Local law enforcement reported no qualifying Clery crimes at the hotel during the visit.

⁶ City of Harrisburg Police reported a sexual offense in the 300 block of Market Street. However, there was no prosecution and police notes did not indicate the nature of the sexual offense. In the interest of transparency, HU is reporting it as a rape, but it is possible that it was a less egregious reportable event.

⁷ All reported non-campus events in 2019 and 2018 took place at Steelton-Highspire High School, adjacent to HU's aquaponics lab. No incidents were reported directly within HU's programs.

⁸ Attempted burglary from HU residence hall was unsuccessful, as reported by City of Harrisburg Police

Reportable Hate Crimes – Harrisburg Campus

Hate Crimes	On Campus 2019	On Campus 2018	On Campus 2017	Student Housing 2019	Student Housing 2018	Student Housing 2017	Non- Campus 2019	Non- Campus 2018	Non- Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Rape	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense: Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0

Reportable Hate Crimes by Category – Harrisburg Campus

Hate Crimes by Category	On Campus 2019	On Campus 2018	On Campus 2017	Student Housing 2019	Student Housing 2018	Student Housing 2017	Non- Campus 2019	Non- Campus 2018	Non- Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Race	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0

VAWA (Violence Against Women Acts) Reportable Events – Harrisburg Campus

Relationship Violence	On Campus 2019	On Campus 2018	On Campus 2017	Student Housing 2019	Student Housing 2018	Student Housing 2017	Non- Campus 2019	Non- Campus 2018	Non- Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Domestic Violence	0	0	0	0	0	0	2	0	0	0	0	0
Dating Violence	1	1	0	1 ⁹	1	0	0	0	0	0	0	0
Stalking	3 ¹⁰	2 ¹¹	0	0	0	0	0	0	0	0	0	0
Total	4	3	0	1	1	0	2	0	0	0	0	0

⁹ The act of dating violence took place within on-campus housing at HU. Clery reporting requires that incidents which take place within student housing must also be counted as on-campus. As such, HU only had 1 case of dating violence in 2019.

¹⁰ These incidents were reports of multiple cases of stalking by one individual.

¹¹ The two incidents were caused by one individual.

Alcohol, Drug & Weapons Reportable Events – Harrisburg Campus

Alcohol, Drugs, Weapons	On Campus 2019	On Campus 2018	On Campus 2017	Student Housing 2019	Student Housing 2018	Student Housing 2017	Non-Campus 2019	Non-Campus 2018	Non-Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Liquor Law Violations/Arrests	0	0	0	0	0	0	0	1	0	8	12	2
Disciplinary Actions/Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations/Arrests	0	0	0	0	0	0	4	0	0	2	3	4
Disciplinary Actions/Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Possession/Arrests	0	0	0	0	0	0	0	0	0	1	0	0
Disciplinary Actions/Referrals	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	4	1	0	11	15	6

HU's Philadelphia Location¹²

Clery Crimes	On Campus 2019	On Campus 2018	On Campus 2017	Non-Campus 2019	Non-Campus 2018	Non-Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Sex Offense: Rape	0	0	0	0	0	0	0	0	0
Sex Offense: Fondling	0	0	0	0	0	0	0	0	0
Sex Offense: Incest	0	0	0	0	0	0	0	0	0
Sex Offense: Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

¹²Although a written request for ASR data was submitted to the City of Philadelphia Police Department for 2017 statistics, no response was received. Therefore, the numbers reflect the information that is only in HU's possession at the time this report was filed in 2018. A response was received in 2019 included there were no reportable incidences. HU did not receive any reportable ASR data from the City of Philadelphia Police in 2019. Additionally, HU does not have student housing at its Philadelphia location.

Reportable Hate Crimes – Philadelphia Campus

	On Campus 2019	On Campus 2018	On Campus 2017	Non-Campus 2019	Non-Campus 2018	Non-Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Sex Offense: Rape	0	0	0	0	0	0	0	0	0
Sex Offense: Fondling	0	0	0	0	0	0	0	0	0
Sex Offense: Incest	0	0	0	0	0	0	0	0	0
Sex Offense: Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

Reportable Hate Crimes by Category – Philadelphia Campus

Hate Crimes by Category	On Campus 2019	On Campus 2018	On Campus 2017	Non-Campus 2019	Non-Campus 2018	Non-Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Race	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

VAWA (Violence Against Women Acts) Reportable Events – Philadelphia Campus

Relationship Violence	On Campus 2019	On Campus 2018	On Campus 2017	Non-Campus 2019	Non-Campus 2018	Non-Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

Alcohol, Drug & Weapons Reportable Events – Philadelphia Campus

Alcohol, Drugs, Weapons	On Campus 2019	On Campus 2018	On Campus 2017	Non- Campus 2019	Non- Campus 2018	Non- Campus 2017	Public Property 2019	Public Property 2018	Public Property 2017
Liquor Law Violations/Arrests	0	0	0	0	0	0	0	0	0
Disciplinary Actions/Referrals	0	0	0	0	0	0	0	0	0
Drug Abuse Violations/Arrests	0	1 ¹³	0	0	0	0	0	0	0
Disciplinary Actions/Referrals	0	0	0	0	0	0	0	0	0
Weapons Possession/Arrests	0	0	0	0	0	0	0	0	0
Disciplinary Actions/Referrals	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0

¹³ This statistic was reported by Hussian College and involved a Hussian student in a bathroom area shared by it and HU.

Fire Statistics¹⁴

The following tables show the fire statistics of each on-campus housing facility over the last three years:

2019

On-Campus Student Housing Facility	Total Fires	Date of Fire	Cause	Description	Injuries	Deaths	Property Damage
ROM	0	N/A	N/A	N/A	N/A	N/A	N/A
MVP	0	N/A	N/A	N/A	N/A	N/A	N/A
Dewberry	0	N/A	N/A	N/A	N/A	N/A	N/A
I House	0	N/A	N/A	N/A	N/A	N/A	N/A
Pa. Place	0	N/A	N/A	N/A	N/A	N/A	N/A

2018

On-Campus Student Housing Facility	Total Fires	Date of Fire	Cause	Description	Injuries	Deaths	Property Damage
ROM	0	N/A	N/A	N/A	N/A	N/A	N/A
MVP	0	N/A	N/A	N/A	N/A	N/A	N/A
Dewberry	0	N/A	N/A	N/A	N/A	N/A	N/A
I House	0	N/A	N/A	N/A	N/A	N/A	N/A
Pa. Place	0	N/A	N/A	N/A	N/A	N/A	N/A

2017

On-Campus Student Housing Facility	Total Fires	Date of Fire	Cause	Description	Injuries	Death	Property Damage
ROM	0	N/A	N/A	N/A	N/A	N/A	N/A
MVP	0	N/A	N/A	N/A	N/A	N/A	N/A
I House	0	N/A	N/A	N/A	N/A	N/A	N/A



¹⁴ Fire statistics are for the Harrisburg Campus only. The Philadelphia location of HU does not have on-campus housing.

Appendix 1
HU's Health & Safety Month 2019

CAMPUS SAFETY + HEALTHY U

AUG 21	Alcohol Awareness for Student Leaders with the PA Alcohol Board-Invite Only	
AUG 23	Meet & Greet with the Harrisburg Police Department New Students Only	12:00 PM Room 115
AUG 25	Nutrition 101-Health and Wellness Lunch New Students	12:30 PM
AUG 25	Conduct Expectations and Overview and HU's Response to Sexual Misconduct-Multiple Sessions for New Students	
AUG 25	Self-Defense Class Free for HU Students and Employees	Time TBD Room 1151
SEPT 3	Q&A Session with Corporal Hammer of the Harrisburg Police Department	5:00 PM
SEPT 7	Out of the Darkness-Suicide Prevention and Awareness Walk Everyone Welcome!	8:30 AM Meet in HU Lobby
SEPT 8-14	Suicide Prevention Week - various activities	Throughout the Week
SEPT 17	Coffee with the Cops-Breakfast with the Harrisburg Police Department and HU Community	10:00 AM Reading Room, 1st Floor
SEPT 24	Healthy vs. Unhealthy Relationships	4:00 PM Room 1057

Appendix 2

HU's Title IX/Sexual Misconduct Policy



Functional Offices: President
Academic Affairs
Finance and Administration
Provost
Student Services
Human Resources
Compliance
General Counsel

Approval Date: August 14, 2020

TITLE IX/SEXUAL MISCONDUCT POLICY

Purpose

Harrisburg University of Science and Technology (HU) is committed to maintaining a safe and healthy educational and work environment in which no member of the HU community is, on the basis of sex, excluded from participation in, denied the benefits of, or subjected to discrimination in any HU program or activity. Gender-based discrimination and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from HU programs or activities.

HU's Sexual Misconduct Policy (Policy) is designed to ensure a safe and nondiscriminatory educational and work environment, as well as meet HU's legal requirements, including but not limited to: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in HU's programs or activities; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in employment; and Pennsylvania laws that prohibit discrimination on the basis of sex.

Applicability

This Policy, and all applicable federal and state laws, applies to all HU students, all HU employees, third parties on HU owned or controlled property, and other community members on HU owned or controlled property.

Definitions

The terms and definitions used here are important components of HU's Policy. The definitions are intended to give meaning to these terms in the context of the HU community. Criminal and other applicable state laws may use different definitions and are inapplicable to this Policy.

Actual Knowledge

Actual Knowledge is when an official notice of sexual harassment or sexual misconduct is provided to Harrisburg University's Title IX Coordinator, Deputy Title IX Coordinator, Title IX Investigator, Title IX Administrator or a CSA (Campus Security Authority).

Advisor

An advisor is a support person who is present to aid a complainant or respondent throughout an investigation, and/or appeal hearing related to a possible violation of HU's Title IX/Sexual Misconduct Policy. Complainants and respondents may be accompanied by one advisor throughout the investigation and any related hearing process. The advisor may be any person of the party's choosing, including an attorney. An advisor may not speak, write, or otherwise communicate with a report facilitator during the statement collection and fact-finding portion of an investigation. Advisors are required should an investigation lead to a hearing and cross-examination.

Campus Security Authority (CSA)

A Campus Security Authority is a HU employee who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings, and in their employment capacity, has the authority and the duty to take action or respond to particular issues on behalf of the institution.

It is considered official notice to HU if the misconduct is within the actual knowledge of a CSA. CSAs assist HU in fulfilling its responsibility to annually disclose accurate crime statistics and to issue or facilitate the issuance of timely warnings or emergency notifications under the *The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (Clery Act) for crimes under that statute that pose a serious or continuing threat to the campus community.

Complainant

A Complainant is the recipient of the alleged misconduct. A complainant can be a student or employee.

For Title IX investigations a complainant must be participating in, or attempting to participate in, HU's education program or activity at the time of filing a formal complaint. A complainant who has graduated may still be "attempting to participate" in HU's education program or activity where the complainant has graduated from one program but intends to apply to a different program, or where the graduated complainant intends to remain involved with HU's alumni programs and activities. A complainant who is on a leave of absence may be "participating or attempting to participate" in HU's recipient's education program or activity. A complainant who has left HU because of sexual harassment but expresses a desire to re-enroll if HU appropriately responds to the sexual harassment, is "attempting to participate" in HU's education program or activity.

Situations in which the complainant is no longer participating in, or is no longer attempting to participate in HU's education program or activity will not be processed through Title IX, rather through the respective Student or Employee Handbook of the respondent.

Consent

Consent is when clearly understandable words or actions manifest a knowing, active, voluntary, present, and ongoing agreement to engage in specific sexual or intimate contact. Relying solely on non-verbal communication can be unclear and lead to misunderstandings and harmful consequences for all parties involved. Individuals should be able to articulate why and how they knew they had received consent and what they considered to be indications of consent before they engaged in sexual activity.

Consent is not present when an individual does not have the capacity to give consent. Inability to give consent can be due a physical or mental condition, or the age of consent as defined by law. Things that can impair the ability to give consent include, but are not limited to, disability, the voluntary or involuntary consumption of drugs or alcohol, unconsciousness, sleep, or where the person is unaware that sexual activity is occurring.

Decision-Maker

The decision-maker oversees the statements and cross-examination of parties and witnesses during a Title IX resolution proceeding. During questioning, the decision-maker will determine if an advisor is adhering to HU's procedural guidelines, if the cross-examination questions are relevant, and make the final determination as to whether there is a preponderance of evidence to support that the misconduct did or did not occur.

Deliberate Indifference

HU is deliberately indifferent only if its response to sexual harassment is clearly unreasonable and untimely in light of the known circumstances.

Deputy Title IX Coordinator

Deputy Title IX Coordinators are fully trained on HU's sexual misconduct policies and assist the Title IX Coordinator in addressing reports of sexual misconduct.

Education Program or Activity

An Education program or activity includes locations, events, or circumstances over which HU exercised substantial control over both the respondent and the context in which the misconduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by HU.

Formal Complaint

A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that HU investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in HU's education program or activity with which the formal complaint is filed.

Emergency Provision

An Emergency Provision is a temporary measure/s, imposed by HU on one or both parties based on credible information from a report of sexual misconduct. The Title IX Coordinator or Deputy Title IX Coordinator can impose Emergency Provisions, including removal from campus or campus housing for students and suspension with pay for employees based on the initial information received in a report of sexual misconduct. As a provision may impact a student's access to education or employment, the Title IX Coordinator will only implement provisions if there is cause to believe that the individual poses a threat to the safety or wellbeing of an individual or the campus community or the offensive behavior is severe, pervasive, and is unlikely to cease.

Emergency Provisions required for HU employees will be made by HU administration in consultation with the Office of Human Resources.

Parties

Parties is a term that refers to the complainant and the respondent collectively.

Preponderance of the Evidence (Burden of Proof)

A preponderance of the evidence standard is the burden of proof under this policy for both employees and student. It is understood to mean that a fact is more likely than not to be true. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on HU and not on the parties.

Quid Pro Quo Harassment

Quid pro quo sexual harassment typically involves someone being pressured by a superior or someone has power over a complainant to provide sexual favors in order to avoid a negative repercussion or to receive a benefit. The respondent in Quid Pro Quo harassment must be an employee of HU to be processed under a Title IX Investigation.

Report Facilitator

A Report Facilitator is responsible for meeting with parties and witnesses, gathering statements and evidence, and compiling a final report for review for either a decision in non-Title IX sexual misconduct allegations or cross-examination in Title IX resolution proceedings.

Respondent

An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. Any "individual" can be a respondent, whether such individual is a student, faculty member, another HU employee or other person with or without any HU affiliation.

Retaliation

HU strictly prohibits retaliation against any member of its community for reporting an incident of sexual misconduct or for participating in an investigation or hearing related to a report of sexual misconduct. HU considers such actions to be protected activities in which all members of the HU community may freely engage.

Retaliation is a materially adverse action taken against an individual because they engaged in protected activities when the adverse action is sufficiently severe or pervasive that it could deter a reasonable person from engaging in the protected activities. Members of the community are prohibited from engaging in actions directly or through others that reasonably could deter a party or a witness from reporting sexual misconduct or participating in an investigation or hearing.

Sexual Harassment

Title VII Sexual Harassment (Employment Discrimination for Employees and Student Employees [excluding Work Study])

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Title IX Sexual Harassment (Students and Employees)

Conduct on the basis of sex that satisfies one or more of the following:

- (1) An HU employee of conditioning the provision of an HU aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to HU's education program or activity;
- (3) Sexual assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. This includes rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape.
- (4) Dating violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship.
- (5) Domestic violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or
- (6) Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Support Measures

Support measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Supportive measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

An individual can initiate the process for support measures by contacting the Title IX Coordinator.

Title IX Administrator

In coordination with the Title IX Coordinator and Deputy Coordinators, the Title IX Administrator, handles investigation notifications, support measures, and scheduling of meetings, hearings, and cross-examinations. The Title IX Administrator does not have any decision-making authority and acts as a resource and support for all individuals involved in an investigation of Sexual Misconduct, whether it meets the criteria for Title IX or not.

Title IX Coordinator

The Title IX Coordinator is responsible for overseeing the sexual misconduct resolution process under Title IX. The Title IX Coordinator works closely with the Deputy Title IX Coordinators, the Director of Human Resources and the Director of Student Services, to address reports of sexual misconduct.

Unwelcome Conduct

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. If a person welcomes some sexual contact that does not mean that person welcomes other sexual contact. Similarly, a person who willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcomed on a subsequent occasion.

Whether conduct is unwelcomed is determined based on the totality of the circumstances, including various objective and subjective factors. The following types of information may be helpful in making a determination: statements by any witnesses to the alleged incident; information about the relative credibility of the parties and witnesses; the detail and consistency of each person's account; the absence of corroborating information where it should logically exist; information that the respondent has been found to have harassed others; information that the complainant has been found to have made false allegations against others; information about the complainant's reaction or behavior after the alleged incident; and information about any actions the parties took immediately following the incident, including reporting the matter to others.

In addition, when a person lacks capacity to request or invite conduct, conduct of a sexual nature is deemed unwelcomed, provided that the respondent knew or reasonably should have known of the person's inability to give consent (See definition of "consent").

Witness

A witness is a person who has direct or indirect knowledge related to specific aspects of a case. A witness can be a student, employee, or a third-party with no connection to HU.

Policy Jurisdiction

This Policy applies to prohibited conduct that is committed by students, faculty, staff, HU appointees, or third parties (such as vendors and contractors), whenever the misconduct occurs on HU property or off HU property, if the conduct was in connection with an HU or HU-recognized program or activity; or the conduct may have the effect of creating a hostile environment for a member of the HU community. Conduct subject to Title IX disciplinary action must occur within the United States. All other misconduct that does not meet the definition or geographic requirements of Title IX will be processed under HU's Student Code or HU's Employee Handbook.

Prohibited Conduct

HU prohibits all forms of sexual misconduct and gender-based harassment. This conduct violates HU's community standards and disrupts the living, learning, and working environments for HU students, faculty, staff, and other community members.

Prohibited conduct includes:

SMV¹⁵.A - Dating/Domestic Violence¹⁶

Dating/Domestic Violence includes intimidation, harassment, physical abuse, sexual abuse, or interference with personal liberty of any person by someone in an intimate relationship.

Dating violence includes, but is not limited to, people who have or have had a dating relationship or people who have or had a social relationship of a romantic or intimate nature.

Domestic violence includes, but is not limited to relationships of current and former spouses, current and former domestic partners, intimate partners or dating partners who share or formerly shared a common dwelling or persons who otherwise have a child in common or share a relationship through a child.

Actions that constitute dating/domestic violence include, but are not limited to:

- a. Physical abuse: hitting, slapping, shoving, grabbing, pinching, biting, or hair pulling;

¹⁵SMV represents Sexual Misconduct Violation within the Student Code of Conduct

¹⁶ Conduct that meets this definition will be processed as Title IX Violation (*TIXV*) A- *Dating/Domestic Violence* through HU's Title IX Resolution Process if: 1) a Title IX Coordinator or official with the authority to institute corrective measures has actual knowledge of the reported behavior; 2) behavior was directed against a person in the United States; and 3) behavior was within the program and/or activity. Otherwise, the conduct will be processed under HU's Student or Employee Code of Conduct.

- b. Psychological or emotional abuse: a pattern of behavior undermining an individual's sense of self-worth or self-esteem, constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with one's children;
- c. Sexual abuse: attacks on sexual parts of the body, forcing sex after physical violence, treating one in a sexually demeaning manner, coercing or attempting to coerce any sexual contact or behavior without consent.

SMV.B - Gender-Based Harassment¹⁷

Gender-based harassment is verbal, nonverbal, graphic, physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not necessarily involving conduct of a sexual nature. For example, disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this Policy.

SMV.C - Sexual Assault¹⁸

Sexual assault includes any of the following behaviors:

- Sexual penetration without Consent (e.g., rape): Any penetration of the sex organs or anus of another person when consent is not present; any penetration of the mouth of another person with a sex organ when consent is not present; or performing oral sex on another person when consent is not present. This includes penetration or intrusion, however slight, of the sex organ or anus of another person by an object or any part of the body.
- Sexual Contact without Consent (e.g., fondling): Knowingly touching or fondling a person's genitals, breasts, thighs, groin, or buttocks, or knowingly touching a person with one's own genitals, breasts, or buttocks, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the location in which the incident occurred.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred.

¹⁷ Conduct that meets this definition will be processed as *TIXV. B- Gender-based Harassment* through HU's Title IX Resolution Process if: 1) a Title IX Coordinator or official with the authority to institute corrective measures has actual knowledge of the reported behavior; 2) behavior was directed against a person in the United States; 3) behavior was within the program and/or activity; AND 4) the unwelcome conduct is so severe, pervasive, and objectively offensive that it denies access to the program or activity. Additionally, if the behavior meets the previous criteria AND involve *quid pro quo* harassment by a HU employee, HU will resolve under HU's Title IX Resolution Process. Otherwise, the conduct will be processed under HU's Student or Employee Code of Conduct.

¹⁸ Conduct that meets this definition will be processed as *TIXV. C- Sexual Assault* through HU's Title IX Resolution Process if: 1) a Title IX Coordinator or official with the authority to institute corrective measures has actual knowledge of the reported behavior; 2) behavior was directed against a person in the United States; and 3) behavior was within the program and/or activity. Additionally, if the behavior meets the previous criteria AND involves *quid pro quo* harassment by a HU employee, HU will resolve under HU's Title IX Resolution Process. Otherwise, the conduct will be processed under HU's Student or Employee Code of Conduct.

- Sexual Exploitation: Taking sexual advantage of another person for the benefit of oneself or a third party when consent is not present.
 - This includes but is not limited to the following actions (including when they are done by electronic means, methods, or devices):
 - Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
 - Indecent or lewd exposure or inducing others to expose themselves when consent is not present;¹⁹
 - Recording any person engaged in sexual or intimate activity in a private space without that person's consent;
 - Distributing sexual information, images, or recordings about another person without that person's consent;
 - Recruiting, harboring, transportation, providing, or obtaining another person for the purpose of sexual exploitation; or
 - Incapacitation of another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct occurs.
 - Obscene gestures;
 - Sexual graffiti, pictures, or posters;
 - Sexually explicit profanity;
 - Stalking or cyberbullying that is based on gender or sex; or
 - E-mail, texting ("sexting") and internet use that violates this Policy.

All forms of sexual misconduct identified in this Policy are prohibited forms of sexual harassment. Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct is sufficiently severe, pervasive, objectively offensive that it denies access to HU's programs or activities.

SMV D - Sexual Harassment²⁰

For purposes of Title IX, sexual harassment is conduct on the basis of sex that satisfies one or more of the following: (1) An HU employee of conditioning the provision of an HU aid, benefit, or service on an individual's participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to HU's education program or activity; or (3) "Sexual assault" as defined in 20 U.S.C.

¹⁹ Breast feeding a child is not indecent and does not constitute sexual misconduct.

²⁰ Conduct that meets this definition will be processed as *TIXV.D – Sexual Harassment* through HU's Title IX Resolution Process if: 1) a Title IX Coordinator or official with the authority to institute corrective measures has actual knowledge of the reported behavior; 2) behavior was directed against a person in the United States; 3) behavior was within the program and/or activity; AND 4) the unwelcome conduct is so severe, pervasive, and objectively offensive that it denies access to the program or activity. Additionally, if the behavior meets the previous criteria AND involves *quid pro quo* harassment by a HU employee, HU will resolve under HU's Title IX Resolution Process. Otherwise, the conduct will be processed under HU's Student or Employee Code of Conduct.

1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Non-Title IX sexual harassment is unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, including *quid pro quo*. *Quid pro quo* occurs when submission to or rejection of sexual conduct is made either explicitly or implicitly a condition of an individual's employment or academic standing or is used as the basis for employment decisions or for academic evaluation, grades, or advancement. There is no geographic requirement that non-Title IX sexual harassment occur within the United States.

The following conduct may constitute sexual harassment for Title IX or Non-Title IX proceedings:

- Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties;
- Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipient(s);
- Sexual advances, whether or not they involve physical touching;
- Commenting about or inappropriately touching an individual's body;
- Lewd or sexually suggestive comments, jokes, innuendoes, or gestures;
- Stalking;
- Pressure for a dating, romantic, or intimate relationship;
- Unwelcomed sexual advances;
- Unwelcomed touching, kissing, hugging, or massaging;
- Pressured for or forced sexual activity;
- Unnecessary references to parts of the body;
- Remarks about a person's gender, nonconformity with gender stereotypes, or sexual orientation;
- Sexual innuendoes or humor;

SMV.E - Stalking²¹

Stalking is a course of conduct directed at a specific person that is unwelcomed and that would cause a reasonable person to fear for his or her safety (or the safety of a third party) or suffer substantial emotional distress. Conduct that can amount to stalking may include two or more actions directed at another person, whether done directly, indirectly, through others, through devices, or by any other methods or means (specifically including electronic means), including but not limited to:

- Following a person;
- Being or remaining near a person without academic purpose or invited social cause;

²¹ Conduct that meets this definition will be processed as *TIXV.E – Stalking* through HU’s Title IX Resolution Process if: 1) a Title IX Coordinator or official with the authority to institute corrective measures has actual knowledge of the reported behavior; 2) behavior was directed against a person in the United States; and 3) behavior was within the program and/or activity. Otherwise, the conduct will be processed under HU’s Student or Employee Code of Conduct.

- Entering or remaining on or near a person's property, residence, or place of employment;
- Monitoring, observing, or conducting surveillance of a person;
- Threatening (directly or indirectly) a person;
- Communicating to or about a person;
- Giving gifts or objects to, or leaving items for, a person;
- Interfering with or damaging a person's property (including pets); or
- Engaging in other unwelcome contact.

An attempt to commit an act identified above, as well as assisting or willfully encouraging any such act, is also considered a violation of this Policy.

An act may violate one or more parts of this Policy. Furthermore, community members may also be held responsible for the misconduct of their visitors and guests.

Reporting Sexual Misconduct

Employee Reporting

All HU employees (including student employees) should be familiar with HU's Sexual Misconduct Policy in addition to the resources and support available to complainants and witnesses of sexual misconduct. HU does not require all employees to report sexual misconduct. HU's Title IX Coordinator, Deputy Title IX Coordinators, Title IX Administrator, Title IX Investigators, Residence Life Staff, as well as CSAs are required to report any alleged instance of Sexual Misconduct. In the event in which a complainant discloses sexual misconduct to a non-mandated reporting HU employee, the employee should encourage the complainant to reach out to Title IX staff. Title IX staff can provide support measures without seeking a formal resolution. If an employee perceives the conduct to rise to the level of Title IX sexual harassment or non-Title IX sexual harassment as defined in this policy, HU encourages the employee to reach out to Title IX staff for reporting options.

Employees should make every attempt to explain to the student/employee that they are potentially not a confidential resource before a student/employee reveals something that they may want to keep confidential. If a complainant, respondent, or witness begins talking about the incident(s) with no warning, employees should immediately but gently interrupt and inform them that the conversation may not be considered confidential, and if they do not want the incident(s) to potentially be reported then they should make an appointment with a confidential resource, including HU's Counseling Center.

In emergency situations, where a person's health or safety is in immediate danger, employees should call 911 and then report to the Title IX Coordinator.

Anonymous Reporting

While anonymous incident reports will be reviewed and investigated by the Title IX Coordinator if possible, HU's ability to address alleged misconduct reported anonymously is significantly limited in both Title IX and non-Title IX cases of sexual misconduct.

Individuals can make anonymous reports by going to this public link:

https://harrisburgu-advocate.symplicity.com/public_report/

Reporters are encouraged to provide as much information as possible including date(s) of incident(s), time of incident, individual names, nicknames, locations, potential witnesses, and any other pertinent details.

Third Party Reporting

While HU strongly encourages reporting of violation under this policy and will address all reports from third parties, HU asks third parties to consider the impact of a potential investigation on the complainant. HU may need to move forward with an investigation based on the information provided to the Title IX Coordinator by the third party. This may put the complainant at risk or retraumatize the complainant by taking away the complainant's right to choose to report. HU encourages third parties to reach out to confidential resources on or off-campus prior to reporting to a Title IX Coordinator.

HU encourages third parties to discuss concerns with the complainant directly, if possible. Third parties may reach out to confidential resources and Title IX Coordinator for additional resources and information on how to approach these difficult conversations. Confidential resources and the Title IX Coordinator can answer general questions without requiring specific information that which may commence an investigation.

All Other Reporting

While HU strongly encourages reporting, members of the HU community who believe they have experienced sexual misconduct have the right to choose whether or not to report the incident to HU or law enforcement and whether or not to pursue a sexual misconduct complaint with HU.

Time Considerations for Reporting Sexual Misconduct

All reports should be made as soon as possible after an incident because the passing of time makes the collection and review of evidence more difficult and the memories of involved individuals become less reliable. There is no time limit for when an incident of sexual misconduct may be reported. The Title IX Coordinator reserves the right to conduct an initial inquiry, initiate an investigation, or otherwise address any report, regardless of the time it is made, based on concern for the safety or well-being of the HU community.

A report of a violation can be submitted by anyone by any means listed within this policy including phone, email, personally or electronically through the following link:

https://harrisburgu-advocate.symplicity.com/public_report/.

If the respondent(s) is/are no longer students, employees, or third-party contractors for HU, HU may be unable to pursue a formal investigation but may be able to offer support measures to the impacted individual.

Reporting to Title IX Staff

The following individuals are trained to receive reports of sexual misconduct and can coordinate support measures:

Title IX Coordinator

Matthew Point, Director of Compliance

Physical Address:
255 Market Street, Room 228
Harrisburg PA 17101

Mailing Address:
326 Market Street
Harrisburg, PA 17101
(717) 901-5100 x1769
mpoint@haarisburgu.edu

Deputy Title IX Coordinator for Students
Melissa Morgan, Director of Student Services

Physical Address:
Student Union, Room 124
Harrisburg, PA 17101

Mailing Address:
326 Market Street
Harrisburg, PA 17101
(717)901-5149
MMorgan@HarrisburgU.edu

Title IX Deputy Coordinator for Employees

Ellyn Garcia, Director of Human Resources

Physical Address:
255 Market Street, Room 204
Harrisburg PA 17101

Mailing Address:
326 Market Street
Harrisburg, PA 17101
(717) 901-5112
egarcia@harrisburgu.edu

Title IX Administrator

Joann Noel, Graduate Student Services Coordinator

Physical Address:
Student Union, Room123
Harrisburg, PA 17101

Mailing Address:
326 Market Street
Harrisburg, PA 17101
(717) 901-5100 x1761
jnoel@harrisburgu.edu

Upon receipt of a report, a Title IX staff member will contact the complainant to provide information about policies, resources, support measures, and reporting options. The information provided by the Title IX staff member will generally include information about medical and confidential counseling and support resources; options for pursuing a complaint and/or reporting the incident to law enforcement; how to request a protective order or support measures; how to request and accommodations; how to preserve evidence; where to access more information; and an invitation to meet with or speak to a Title IX staff member.

Confidential Reporting

When complainants request that their name or other identifiable information not be shared with respondents and/or that no conduct proceeding or other action be taken, HU will seek to honor that preference when possible. In determining how to proceed, HU will balance a complainant's request with its obligation to provide a safe and nondiscriminatory environment for all HU community members, including the respondent.

HU will consider the following factors in evaluating such requests:

- The nature and scope of the reported conduct, including whether the reported conduct involved physical force or the use of a weapon;
- The potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;
- The respective ages and roles of the complainant and respondent, including whether the complainant is (or was at the time of the reported conduct), a minor under the age of 18;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there are any other documented complaints to HU related to similar behavior about the same respondent (if known)²²;
- Whether the respondent has a history of convictions or records from a prior school indicating a history of harassment/misconduct, if such records are available;
- Whether the respondent threatened future sexual violence against the complainant or others;
- Whether the report reveals a pattern of conduct at a given location or by a particular group such that there is an increased risk of future acts of sexual misconduct under similar circumstances; and
- Whether the conduct included multiple respondents.

When HU determines that a complainant's request to remain confidential can be honored, HU will evaluate whether support measures will remedy any effects on the complainant and the HU community. Those steps may include offering appropriate supportive measures to the complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances. HU cannot impose sanctions on a respondent without due process.

When HU determines that action should be taken that is inconsistent with the request of the complainant that a report remain confidential or that it not be acted upon, the complainant will be informed about the chosen course of action, which may include HU initiating a conduct proceeding against a respondent. In that event, HU will need to disclose the identity of the complainant to the respondent. If so, the complainant will be notified that HU intends to proceed with a conduct proceeding, but that the complainant is not required to participate in the proceeding or in any other actions undertaken by HU.

²² Prior allegations of sexual misconduct can only be considered if the investigation determined that the allegations were founded.

In cases when the complainant chooses not to participate, HU may pursue conduct proceedings if it is possible to do so without the complainant's participation. Where a complainant declines to participate in a conduct proceeding, however, HU's ability to meaningfully investigate and respond to a report, including a subsequent disciplinary hearing, may be limited or unable to be adequately pursued.

Reporting to Law Enforcement

HU encourages individuals to report incidents of sexual misconduct to local law enforcement. Timely reporting to the police is an essential factor for the successful investigation and prosecution of crimes, including sexual violence crimes. It may lead to the arrest of an offender or aid in the investigation of other incidents.

An individual who has experienced sexual misconduct has the right to choose whether to file a police report. Filing a police report may result in the investigation of whether sexual violence or related crimes occurred and the prosecution of those crimes against a perpetrator. It is important to know that reporting the incident to the police does not mean an individual is obligated to testify in court.

Police can also assist in reviewing options with alleged victims and identifying and facilitating support resources related to:

- Seeking medical attention
- Seeking support, advocacy, and counseling services; and
- Discussing legal options, including seeking protective orders from a court.

Contact information for local law enforcement

Harrisburg Police Department

123 Walnut Street
Harrisburg, PA 17101
(717) 255-3131
9-1-1 for Emergencies

Philadelphia Police Department

401 N. 21st St.
Philadelphia, PA 19130
(215) 686-3090
9-1-1 for Emergencies
3-1-1 for non-Emergencies

Swatara Township Police (Steelton-Highspire Aquaponics Lab)

599 Eisenhower Blvd
Harrisburg, PA 17111

717-564-2550
9-1-1 for Emergencies

Amnesty Policy

HU encourages the reporting of sexual misconduct and seeks to remove any barriers to making a report. HU recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of the potential consequences of their conduct. An individual who makes a good faith report of sexual misconduct will not be subject to disciplinary action by HU for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless HU determines the violation was serious and/or placed the health or safety of others at risk. HU may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or other drugs. These interventions do not include involuntary leaves for students from HU. Amnesty does not preclude or prevent action by police or other legal authorities.

Confidential Resources

Resources are available for individuals to discuss incidents and issues related to sexual misconduct on a confidential basis. Confidential resources will not disclose information about incidents of sexual misconduct to anyone, including law enforcement or HU, except in limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or where state law requires that a report be made.

Confidential resources can provide alleged victims with information about support services and their options. Because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential counselor does not constitute a report or complaint to HU and will not result in a response or investigation by HU. A person consulting with a confidential resource may later decide to make a report to HU or law enforcement.

On-Campus Confidential Resources for the Harrisburg and Philadelphia Campus for Students

Harrisburg University Counseling Center
(HUCC)
326 Market Street, Room 253
Harrisburg, PA 17101
(717) 901-5100, ext:0253
Counseling@HarrisburgU.edu

Virtual Confidential Resources

For Students (including student employees)

For Full-Time Employees (non-student employees)

Student Assistance Program by BHS

<https://portal.bhsonline.com/>

Username: HarrisburgU

1-800-327-2252

Available 24/7

Employee Assistance Program (EAP)

Mutual of Omaha

EAP professionals are available 24 hours a day, 7 days a week, at 1-800-316-2796

Off-Campus Confidential Resources

A list of confidential off-campus resources can be found on SharePoint:

<https://myharrisburgu.sharepoint.com/sites/StudentServices/SitePages/Resources.aspx>

Seeking Medical Assistance

Experiencing any form of sexual misconduct, especially acts of violence, is difficult and overwhelming. Survivors often experience a range of emotions, including fear, anxiety, and confusion, and may be unsure of what they want to, or should do next. Regardless of whether the individual choose to report the incident, HU strongly encourages survivors of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained.

Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible, and where appropriate, also address concerns regarding sexually transmitted infections and pregnancy, and provide emergency contraception (if requested). In addition, a hospital can test for the presence of alcohol or drugs (e.g., "date rape" drugs) and perform a rape evidence collection procedure (see Procedure Section 2), which are also strongly recommended to maintain all legal options.

Medical Care Providers

Harrisburg Campus Location

Pinnacle Health Services Sexual Assault Forensic Examiner (SAFE) Program*

(717)782-5205

111 South Front Street,

Harrisburg PA 17101

[ps://www.pinnaclehealth.org/our-services/womens-health/our-programs/](https://www.pinnaclehealth.org/our-services/womens-health/our-programs/)

Philadelphia Campus Location

Thomas Jefferson University Hospital, Center City Philadelphia Sexual Assault Forensic Examiner (SAFE) Program*

132 South 10th Street,

Philadelphia PA 19107

<https://hospitals.jefferson.edu/departments-and-services/emergency-department-at-jefferson.html>

*Accessible through emergency room

*Accessible through the Emergency Room on the corner of 10th and Sandon Streets)

Philadelphia Sexual Assault Response Center (PSARC)

Emergencies: Call (215) 425-1625 to reach the on-call sexual assault nurse examiner

Or (215) 800-1589 for non-emergencies

300 E. Hunting Park Avenue,
Philadelphia, PA 19124

<https://drexel.edu/medicine/about/departments/emergency-medicine/forensic-emergency-medicine/>

Additional resources can be found on SharePoint at:

<https://myharrisburgu.sharepoint.com/sites/StudentServices/SitePages/Resources.aspx>

Preserving Evidence

Many sexual misconduct offenses also are crimes in the state or locality in which the incident occurred. For that reason, complainants of sexual misconduct often have legal options that they can pursue. However, these options are available solely at their discretion, and complainants may change their minds about pursuing them at any time. For example, complainants may seek a protective order from a court against the perpetrators; pursue a civil action against the perpetrator(s); and/or participate in a law enforcement investigation and criminal prosecution of the perpetrator(s).

Regardless of whether an incident of sexual misconduct is reported to the police or HU, HU strongly encourages those who experienced sexual misconduct to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future.

Additionally, this evidence may also be helpful in a HU investigation. While HU does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies and medical assistance providers may be submitted as evidence that HU may consider in its investigation or proceeding, if the evidence is available at the time of HU's investigation or proceeding. For Title IX hearings, the collector of the evidence with firsthand knowledge must be available for cross-examination purposes.

Below are suggestions for preserving evidence related to an incident of sexual misconduct. It is important to remember that each suggestion may not apply in every incident:

General Evidence Preservation Recommendations²³

²³ This is not offered or intended to be legal advice or ensure the acceptability or admissibility of evidence. These are practical tips that may result in the preserving of evidence but may not be best practice forensically.

In order to potentially maintain future legal options, individuals should consider not altering, disposing, or destroying any physical evidence of sexual misconduct.

If there is suspicion that a drink may have been drugged, an individual should inform a medical assistance provider and/or law enforcement as soon as possible so attempts can be made to collect possible evidence (e.g., from the drink, through urine or blood sample).

Individuals can preserve evidence of electronic communications by saving them and/or by taking screen shots of text messages, instant messages, social networking pages, or other electronic communications and by keeping pictures, logs, or copies of documents that relate to the incident and/or respondent.

Even if complainants choose not to make a complaint regarding sexual misconduct, they may consider speaking with City of Harrisburg Police to preserve evidence if they change their mind at a later date.

Evidence Preservation Suggestions Specific to Sexual Assault

Because some evidence, particularly evidence that may be located on the body, dissipates quickly (within 48-96 hours), individuals who have been sexually assaulted and wish to preserve evidence should go to the hospital or medical facility immediately to seek a medical examination and/or evidence collection. Pennsylvania law, 18 Pa.C.S. § 11.707, provides that the costs of the forensic rape examination and medications provided as a direct result of a sexual offense shall not be charged to the victim. The victim of a sexual offense does not need to 'report' the sexual offense or 'talk' to law enforcement for the costs to be paid by the Victims Compensation Assistance Program (VCAP).

Health care providers must utilize the victim's insurance to include Medical Assistance, health maintenance organizations, or federally financed insurance programs such as Medicare or Champus, before applying to the VCAP. In instances where the victim or person responsible for the victim requests that the provider not access insurance, the claim may be submitted directly to the VCAP for consideration of payment.

An individual who has been sexually assaulted and wishes to preserve evidence should, if possible, not shower, bathe, douche, smoke, brush teeth, eat, drink, use the bathroom, or change clothes or bedding before going to the hospital or seeking medical attention.

If the individual who has been sexually assaulted decides to change clothes or bedding and wishes to preserve evidence, they should not wash clothes worn or bedding used during the assault, and should bring them to the hospital, medical facility, or the police in a non-plastic bag (e.g., paper bag).

In Pennsylvania, individuals who have been sexually assaulted may allow the collection of evidence even if they choose not to make a report to law enforcement. A Sexual Assault Nurse Examiner (SANE) advocate or a law enforcement officer will know how long evidence will be stored. A sexual assault evidence collection kit may not be released by a Pennsylvania hospital without written consent from the survivor.

Title IX VAWA Statement

It is Policy of HU to comply with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination (including sexual harassment and sexual violence) based on sex in HU's educational programs and activities.

It is also HU's Policy to continue to comply as Policy with the federal Violence Against Women Act (VAWA) amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act (Clery Act), and the accompanying regulations.

Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination.

VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled.

HU has designated the Title IX Coordinator to coordinate its compliance with Title IX and VAWA and to respond to reports of violations.

HU has directed its Clery Coordinator to coordinate its compliance with the Clery reporting- related VAWA requirements. HU's Clery report is posted annually on its website and circulated to the HU community.

A person may also file a complaint with the Department of Education's Office for Civil rights regarding an alleged violation of Title IX by visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or calling 1-800-421-3481.

Complaint Resolution Process for Sexual Misconduct²⁴

Introduction

The goal of the resolution process is to promptly initiate a fair and impartial investigation to determine what occurred and subsequently take steps to resolve the situation, if necessary. This includes both parties having the same procedural and substantive rights; an equal opportunity to preserve relevant witness information and other evidence; similar and timely access to information that will be used in the investigation and subsequent report, any Title IX hearing, and the ability to have a support person/advisor of their choice in any meeting that occurs regarding the incident.

²⁴ Any individual requiring an accommodation under the Americans with Disabilities Act (ADA) in order to fully participate in any aspect of this policy should contact a Title IX Coordinator.

Participation in Process²⁵

HU invites complainants and witnesses to participate fully in the complaint resolution process. If the alleged conduct meets the criteria for a Title IX violation as described in the prohibited conduct section of this policy, the complainant must sign a formal complaint.

If a complainant decides not to participate but wants disciplinary action to be taken, HU will determine whether it is possible to move forward with a case without the participation of the complainant. In most cases, disciplinary action is not possible without the participation of the complainant. HU may act as the complainant in the process in unusual circumstances or resolve the complaint under student or employee conduct policies. Support measures are available for complainants regardless of whether or not the complainant wishes to participate in the resolution process.

When individuals report allegations of sexual misconduct to HU and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged offenders or identifiable information about the alleged offenders, HU's ability to respond to complaints may be limited. In cases where an individual reporting sexual misconduct requests anonymity or does not wish to proceed with an investigation, HU will attempt to honor that request but, in some cases, a Title IX Coordinator or designee may determine that HU needs to proceed with an investigation based on concern for the safety or well-being of the broader HU community (e.g., risk of future acts of sexual violence or a pattern of sexual misconduct). HU reserves the right to take appropriate action in such circumstances, including in cases when the individual reporting the misconduct is reluctant to proceed.

HU encourages Respondents to participate in the complaint resolution process.

²⁵ Participating in the process, and HU's ability to vigorously pursue an investigation and a disciplinary hearing substantially depends on whether the matter is required to be processed as a Title IX violation or a non-Title IX violation. For all Title IX disciplinary hearings, hearsay evidence is not permitted, and parties and witnesses must be present and be subject to cross-examination for their evidence to be considered by the decision maker.

Mandatory Grounds for Dismissal

If the conduct alleged in a formal Title IX complaint would not constitute sexual harassment as defined in Title IX, even if proved, did not occur in the recipient's education program or activity, or did not occur against a person in the United States, then HU must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, a dismissal for this reason does not preclude action under HU Student Code of Conduct for non-Title IX offense sexual misconduct. HU will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Discretionary Grounds for Dismissal

The recipient may dismiss a formal Title IX complaint, or any allegations contained in it, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in it; the respondent is no longer enrolled or employed by HU; or specific circumstances prevent HU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. However, a dismissal for this reason does not preclude action under HU Student Code of Conduct for non-Title IX offense sexual misconduct. HU will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Voluntary and Information Resolution

Informal resolution involves action taken by HU in response to a signed report of sexual misconduct from a complainant when formal resolution is not desired by the complainant. Informal resolutions cannot be used for *quid pro quo* harassment or misconduct that involves faculty or staff. Examples of informal resolutions can include, but are limited to, a warning to cease current behaviors, no-contact directives, an educational conversation with the respondent or others, and changes in academic, work, or living arrangements.

As part of the informal resolution process, the parties may submit to mediation to resolve outstanding issues. However, mediation will not be used to resolve complaints involving sexual or physical violence or where there is a power dynamic such as between a HU employee and student.

HU may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints. Similarly, HU may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.

To proceed with informal resolution, HU must provide the parties with written notice disclosing: the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and

any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.”

To proceed with informal resolution, HU must obtain the parties’ voluntary, written consent to the informal resolution process.

HU may not use informal resolution to resolve allegations that an employee sexually harassed a student.

The factors that will be considered in evaluating requests for informal resolution, include, but are not limited to:

- The nature and scope of the reported conduct, including whether the reported conduct involved physical force or the use of a weapon;
- The potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;
- The respective ages and roles of the complainant and respondent, including whether the complainant is (or was at the time of the reported conduct), a minor under the age of 18;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether HU has received other complaints of similar behavior about the same respondent (if known);
- Whether the respondent has a history of convictions or records from prior school(s) indicating a history of harassment/misconduct, if such records are available;
- Whether the respondent threatened further sexual violence or other violence against the complainant or others;
- Whether the report reveals a pattern of conduct at a given location or by a particular group such that there is an increased risk of future acts of sexual misconduct under similar circumstances; and
- Whether the conduct included multiple respondents.

Providing False Statements

All participants have the responsibility to be completely truthful with any information they share at all stages of this Policy's processes. Any individual who knowingly or intentionally provides false information as part of a report or investigation under this Policy will be subject to discipline in accordance with the procedures set forth in the Student Handbook, Faculty Handbook, or Employee Handbook.

This provision does not apply to a good faith report that is not substantiated or not proven by a preponderance of the evidence.

Privacy and Sharing of Information

To the extent noted in this Policy, HU considers complaints and investigations of sexual misconduct to be private matters for the parties involved. For that reason, HU will protect the identity of persons involved

in reports of sexual misconduct to the extent circumstances allow. HU will only share personally identifiable information with persons who are on "a need-to-know basis" for HU to investigate, respond, or deliver resources or support services.

HU does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct in HU's Daily Crime Log or elsewhere online. HU does not confirm to outside parties the identity of an individual who may be involved in a report of sexual misconduct without the individual's consent. However, HU cannot promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints. It can promise discretion to the extent possible as noted within this Policy or applicable laws.

All participants in an investigation or a hearing of sexual misconduct, including advisors, are informed that confidentiality helps enhance the integrity of the investigation, protects the privacy interests of the parties, and protects the participants from statements that might be interpreted to be retaliatory. For these reasons, the complainant, respondent, witnesses, and advisors will be asked to keep information related to the investigation and resolution private to the extent consistent with applicable law.

However, HU reserves the right to share information regarding an investigation with other appropriate parties on a need-to-know basis consistent with the Family Educational Rights and Privacy Act (FERPA) and other applicable laws.

Case Resolution Timeline

In most cases, HU investigates and resolves complaints of sexual misconduct, including any sanctions and/or corrective actions within 90 days of receiving a complaint. However, this may vary based on the availability of the parties and witnesses, the scope of the investigation, support measures or accommodations, or unforeseen circumstances. Many cases are resolved in a shorter time.

Extensions of time beyond this 90-day timeframe may occur for good cause. In cases where there is simultaneous law enforcement investigation, HU generally will proceed with its investigation and resolution of a complaint during, and possibly prior to the completion of, any law enforcement investigation.

The primary goal of an investigation is to provide a prompt but equitable resolution to a case through a fair and impartial proceeding. Due to extenuating circumstances, an investigation may take additional time to preserve these goals. However, available electronic means, such as online interviews, may be utilized to timely complete an investigation.

Conflicts of Interest

A list of report facilitators and appeal reviewers who may make findings in sexual misconduct matters is available through HU's Title IX Coordinator.

HU reserves the right to use an appropriately trained report facilitator or appeal reviewer not on this list as it deems necessary. Parties can raise the issue of a potential conflict of interest or perceived bias within two days of their initial meeting with the Title IX staff member. The Title IX Coordinator will determine whether a conflict of interest exists. No report facilitator or appeal reviewer will make findings or determinations in a case in which they have a conflict of interest.

A Title IX Coordinator may hire external report facilitators in complicated cases if perceived bias cannot be avoided or the nature of the case exceeds HU's resources. External report facilitators will receive training specific to HU policy prior to initiating a report finding procedure.

Any party or witness who believes that a conflict of interest, or bias, exists on the part of a report facilitator, should report their concerns to a Title IX staff member.

Standard of Evidence

HU uses the preponderance of the evidence standard in its investigations and hearings of complaints alleging sexual misconduct and any related violations. A preponderance of evidence means it is more likely than not that a violation of the Policy occurred.

Initial Inquiry

When HU receives a report of sexual misconduct, Title IX staff will begin an initial inquiry as soon as practical. This will most frequently begin with an attempt to gain additional information from the complainant, preferably through an in-person meeting. The scope and timing of further action will depend upon a number of factors, including but limited to, whether the identity of the victim is known; whether the complainant is willing to participate in an investigation and/or hearing; whether the complainant requests anonymity or confidentiality; whether the respondent is affiliated with HU; and whether HU has an obligation to proceed with an investigation based on concerns for the safety of the broader HU community, regardless of the complainant's wishes.

Following an Initial Inquiry, possible next steps include:

- **Refer for Resolution under *Code of Conduct*:** If the conduct described in the initial report does not meet the criteria outlined in the definition section of this Policy for resolution under Title IX, and the respondent is a student, the Title IX Coordinator will refer the report to the Director of Student Services for resolution through the process outlined HU's *Code of Conduct*, Chapter 1 of HU's *Student Handbook*
- **Refer for Resolution under *Employee Handbook*:** If the conduct described in the initial report does not meet the criteria outlined in the definition section of this Policy for resolution under Title IX, and the respondent is an HU employee or third-party, the Title IX Coordinator will refer the report to the Director of Human Resources for resolution through policies and procedures outlined in the *Employee Handbook* or *Faculty Handbook*.

- **Close the Case:** For a case to be referred for a full investigation, there must be sufficient information to believe a policy violation may have occurred and that the respondent may be responsible. The Title IX Coordinator may dismiss a case when insufficient information exists to move forward or when the alleged misconduct, even if substantiated, would not be a violation of Policy. The Title IX Coordinator may, in their discretion, reopen a case in the future if additional information becomes available or a complainant who was unwilling to pursue formal resolution changes their mind, (consistent with the time limitations discussed above).
- **Consolidation.** If multiple complaints have been filed that arise from the same or similar set of facts, the matters may be consolidated into one investigation in the sole discretion of HU and processed informally, formally, or closed.
- **Formal Resolution:** The Title IX Coordinator may determine that there is reasonable information to suggest a policy violation involving a Title IX violation²⁶ may have occurred. In these cases, the complaint will proceed to further investigation and formal resolution. See *Title IX Complaint Resolution Procedure* section of this Policy.

Title IX Complaint Resolution Procedure²⁷

Title IX Notification to Respondent

The Title IX sexual misconduct complaint resolution process includes an opportunity for the respondent to be notified of the alleged misconduct and the policy violations under consideration and an opportunity to be heard. If a case is referred for formal resolution, the Title IX Coordinator or designee will notify the respondent of the alleged misconduct and the respondent will be given an opportunity to respond.

All notices will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process, the written notice must inform the parties that they may have an advisor of their choice, who may be an attorney, the written notice must inform the parties that they may inspect and review evidence, the written notice must inform the parties of any provision in HU's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the process, and provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

The notification will also include a brief description of the alleged misconduct, the date and location of the incident, the identities of the parties, a list of any HU policies allegedly violated, and a description of the steps toward resolution. HU may modify the list of policies allegedly violated based on additional information revealed during fact and statement gathering. However, if, in the course of an investigation,

²⁶ This applies to only *TIXV.A – Dating/Domestic Violence*, *TIXV.B – Gender-Based Harassment*, *TIXV.C – Sexual Assault*, *TIXV.D – Sexual Harassment*, and *TIXV.E – Stalking*.

²⁷ This applies to only *TIXV.A – Dating/Domestic Violence*, *TIXV.B – Gender-Based Harassment*, *TIXV.C – Sexual Assault*, *TIXV.D – Sexual Harassment*, and *TIXV.E – Stalking*.

HU decides to investigate allegations about the complainant or respondent that are not included in the notice provided, HU must provide notice of the additional allegations to the parties whose identities are known.

All notifications will contain statements regarding false statements and retaliation, as well as contact information for ADA accommodations.

Title IX Report Process

HU will investigate formal complaints through final resolution. To meet the formal complaint criteria, a complainant must sign a statement of the alleged violation with details outlining the respondent's name, or nickname, location, date and times, if known, and general description of the alleged violation. Depending upon the circumstances, one or more report facilitators are assigned from a list of trained report facilitators. In some cases, an outside report facilitator may be retained. All report facilitators and Title IX staff receive trauma-informed training on sexual misconduct and are familiar with HU's policies and procedures regarding Sexual Misconduct. HU, in its discretion, may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances

During the fact-finding and report process, the complainant has the opportunity to describe the allegations and present supporting evidence to the report facilitator. The respondent has the opportunity to hear the allegations, respond to them, and present a statement and supporting evidence to the report facilitator. HU will record these meetings. Parties may choose to have an advisor present.

Generally, the report facilitator meets with each party and each witness separately. In some cases, the report facilitator may interview the parties and/or witness more than once. The parties may submit additional materials, evidence, or information to the report facilitator following their interview(s). In all cases, both the complainant and the respondent have equal opportunities to share information and have their information considered. Each will have access to the statements, materials, and evidence submitted by the other party's witnesses prior to hearing.

The complainant and the respondent can present names of witness they suggest the report facilitator interview. Complainants and respondents may only present factual witness and may not present character or expert witness. The report facilitator will take information provided by the complainant and respondent into consideration when identifying whom they will interview and what questions they ask, but these decisions are in the report facilitator's sole discretion. The report facilitator may also choose to interview other witnesses not identified by the parties based on the information provided in the parties' statements.

Once the report facilitator collects all statements and evidentiary documents, the report facilitator will create an investigative report that includes all statements and evidence that the parties provided. Parties will receive the report for review before cross-examination. Prior to completion of the investigative

report, the recipient must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

Title IX Cross-Examination Hearing

With the assistance of the Title IX Administrator, the Title IX Coordinator will schedule an opportunity for cross-examination of statements and documents on the report. HU will conduct the cross-examination hearing live and virtually using Microsoft Teams. The Title IX Administrator can facilitate access to a private and secure setting with appropriate internet access if requested by either party. HU will record the cross-examination hearing.

The cross-examination hearing allows parties to respond to the report and ask questions of the other party and the other party's witnesses. Parties are not allowed to ask each other questions directly. The advisor must ask questions on behalf of the complainant or respondent. The advisor will ask questions of witnesses.

The cross-examination hearing is not a courtroom trial and advisors are to conduct themselves per the hearing guidelines set forth by the Title IX Coordinator. Theatrics will not be tolerated. Advisors that do not adhere to these guidelines will be warned. If the behavior continues, the decision-maker can then remove the advisor from the proceedings. A new advisor will be appointed to proceed with the cross-examination hearing.

Witnesses do not need advisors, but all witnesses must attend the cross-examination hearing or the witness' statements and evidence will not be considered in reaching a final decision.

The Title IX Decision Maker will review all questions from the advisors for relevance prior to a response being provided. The Decision-Maker will provide justification for any excluded questions. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Additionally, the Decision Maker will make the final determination of whether there was a preponderance of evidence to support that the misconduct did occur.

Title IX Final Determination

A final determination will contain the following information:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of HU's Policy to the facts
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions that HU imposes on the respondent, and whether remedies designed to restore or preserve equal access to HU's recipient's education program or activity will be provided by HU to the complainant; and
- HU's procedures and permissible bases for the complainant and respondent to appeal.

Title IX Notification

Notification of findings and sanctions are simultaneously provided to the complainant and the respondent in separate correspondence from the Title IX Coordinator including an explanation of the weight of evidence using the appropriate standard of proof. However, some information may not be shared if it would violate any federal or state law, such as the Family Educational Rights and Privacy Act (FERPA).

The complainant's notification includes findings related to violations of the Policy, remedies offered or provided to the complainant, sanctions imposed on the respondent that directly relate to the complainant, and any other steps HU has taken to prevent the recurrence and eliminate a hostile environment, if such was found to exist. Information contained in the notification may be limited due to applicable laws.

In a case related to alleged sexual assault, stalking, or dating/domestic violence, the complainant's notification of outcome will also include the rationale for the findings related to violations of Policy and all sanctions imposed on the respondent, not just those directly related to the complainant. The respondent generally will not be notified of the individual remedies offered or provided to the complainant.

Complainants and respondents are informed of appeal procedures within their notifications.

HU encourages the parties to maintain confidentiality of all communication related to findings and sanctions.

Title IX Sanctions

Sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. In addition, HU may take steps to address the effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic and housing assistance, change in work situations, leaves of absence, and training or other preventative measures. Sanctions and remedial actions aim to eliminate any hostile environment, prevent sexual misconduct from recurring, and remedy any discriminatory effects on a complainant or others. HU may impose more severe sanctions if there are prior founded conduct violations on the respondent's student or employment record.

Sanctions and corrective actions are²⁸:

- Verbal warning
- Written warning
- Advisory Letter
- Monitoring
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required training or education
- Campus access restrictions
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Deferred suspension
- Suspension with pay
- Suspension without pay
- Exclusion
- Expulsion
- Degree revocation
- Loss of privileges
- Termination of employment
- Termination of contract (for contractors)
- No trespass orders

²⁸ Listed sanctions may not be applicable to all respondents. The list includes potential sanctions applicable to HU employees and students.

Title IX Right to Appeals

Title IX Appeals

Both parties may file an appeal from a determination regarding responsibility or from HU's dismissal of a formal complaint or any allegations contained within.

Title IX Basis for Appeal

The only grounds for appeal to a finding of sexual misconduct are as follows:

1. New information discovered after the investigation that could not have reasonably been available at the time of the investigation and is of a nature that could materially change the outcome;
2. Procedural errors within the investigation or resolution process that may have substantially affected the fairness of the process;
3. An outcome (findings or sanctions) that was manifestly contrary to the weight of the information presented (i.e., obviously unreasonable and unsupported by the great weight of information).

All other reasons for an appeal will be dismissed. At the time of its filing, an appeal must specifically provide supporting facts and/or documentation in support of the three permissible grounds for appeal as outlined above.

Title IX Appeal Process

1. An appeal must be made within the record retention timeframe. An appeal must be in writing to the Title IX Coordinator and specify the basis for the appeal as outlined above. The original finding is presumed reasonable and appropriate by a preponderance of the evidence unless information to the contrary is presented.
2. In the event of sanctions, it is in the sole discretion of the Title IX Coordinator and the sanctioning office whether the sanctions are implemented or stayed pending resolution of an appeal.
3. Appeals are reviewed by the appropriate University Official. Appeals for employees will be reviewed by the Chief Operating Officer and appeals for students will be reviewed by the Provost.

Title IX Requirements for Appeals

For all appeals, HU will do the following:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- Ensure that the decision-maker(s) for the appeal complies with the standards set forth in paragraph (b)(1)(iii) of this section;
- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Issue a written decision describing the result of the appeal and the rationale for the result; and
- Provide the written decision simultaneously to both parties.

Training Materials

All materials used to train HU's employees in administering the Title IX process as outlined in the policy will be posted annually and available to the public on HU's website.

All members of the Title IX staff are provided a SOP for their role within the team in addition to a yearly training.

Record Retention

All records received and created under this Policy shall be maintained for a period of seven years from the date a file is closed. All records shall be maintained in electronic format. The Director of Compliance, in collaboration with the Office of Student Services and Office of Human Resources, will maintain all files.

The ability for anyone to access closed records is at the discretion of the Director of Compliance in conjunction with the Office of General Counsel and in a manner consistent with federal and state laws.

Appendix 3

HU's Drug & Alcohol Policy



Functional Offices: President
Academic Affairs
Finance and Administration
Student Services
Human Resources

Approval Date: August 16, 2019

DRUG AND ALCOHOL PREVENTION AND EDUCATION POLICY¹

Functional Offices: President
Academic Affairs
Finance and Administration
Student Services
Security

Purpose, Objective, and Scope

Harrisburg University of Science and Technology (HU) is committed to maintaining a healthy work and educational environment. This Drug and Alcohol Abuse Prevention and Education Policy (Policy) emphasizes individual and shared responsibility, healthy and informed decision-making, maintaining a caring environment, and the promotion of genuine dialogue on the excessive and/or illegal use of alcohol and drugs, also known as controlled substances.

This policy applies to all HU students and employees.

¹ In accordance with The Drug Free Schools and Campuses Act, and The Drug Free Schools and Communities Act, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any federal funded or guaranteed student loan program, unless it has adopted and has implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees.

Definitions

Student: any person taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study.

Employee: any person that is a member of the faculty, staff, or student receiving a salary, wages, other compensation and/or stipend support from HU.

Prohibited Behaviors Concerning Drugs and Alcohol

A. *Alcohol Usage*

HU encourages its members to make responsible decisions about the use of alcoholic beverages, and to promote safe, legal, and healthy patterns of social interaction.

The President, Vice Presidents, Associate Vice Presidents, Associate Provosts and heads of administrative areas have the authority and responsibility to govern the use of alcohol in areas they control and to ensure that at events where alcohol will be served in such areas, only legal age individuals will have access to such alcohol. Further, those hosting such events must take reasonable steps to ensure that the acquisition, distribution and consumption of alcohol otherwise complies with applicable law and university policy.

At any event at which alcohol will be served, sufficient quantities of non-alcoholic beverages and food must also be available to guests without cost.

Consistent with Pennsylvania law, advertisements of social events shall not promote nor describe the availability of alcoholic beverages nor promote the consumption of alcohol by minors.

Ordinarily, consumption of alcoholic beverages in outdoor public areas such as walkways, unenclosed patios, green spaces, and the like is not permitted regardless of the age of the drinker. However, appropriate administrators may grant exceptions to this guideline on an event-by-event basis. Exceptions will be granted only for those events where an overwhelming majority of those reasonably expected to attend an event are of legal drinking age. Events for which exceptions have been granted must be limited to areas that are clearly demarcated and in which it is possible to exercise adequate control of access to and consumption of alcohol.

B. *Prohibited Behavior Involving Alcohol*

HU prohibits the following regarding alcohol usage, distribution, possession, and manufacturing:

- The possession and/or consumption of alcoholic beverages by persons under the age of twenty-one on property owned or controlled by HU or as part of any HU activity;
- The intentional and knowing sale of, or intentional and knowing furnishing (as defined by Pennsylvania law) of alcoholic beverages to persons under the age of twenty-one or to persons obviously inebriated on property owned or controlled by HU or as part of any HU

activity. Pennsylvania law currently defines "furnish" as "to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged;"

- The consumption of alcoholic beverages by any HU students and/or employees so as to adversely affect academic or job performance and/or endanger the physical well-being of other persons and/or oneself, and/or which leads to damage of property; and
- The possession, sale, distribution, promotion or consumption of an alcoholic beverage in a manner that constitutes a violation of federal, state or local law, including the sale, directly or indirectly, of any alcoholic beverages at a premise or by an entity not licensed for such sales on property owned or controlled by HU or as part of any HU activity.

In cases of intoxication and/or alcohol poisoning, the primary concern is the health and safety of the individual(s) involved. An individual is strongly encouraged to call for medical assistance when needed or for anyone who is dangerously intoxicated. No student seeking medical treatment for a medical emergency involving alcohol will be subject to HU discipline for the sole violation of using or possessing alcohol. This policy shall extend to another student seeking help for the intoxicated student.

C. Prohibited Behavior Regarding Drugs/Controlled Substances

HU prohibits the following regarding drugs/controlled substances:

- The possession and/or consumption of illegal drugs or unprescribed controlled substances on property owned or controlled by HU or as part of any HU activity;
- The intentional and knowing sale of, or intentional and knowing furnishing (as defined by Pennsylvania law) of illegal drugs or unprescribed controlled substances to any person on property owned or controlled by HU or as part of any HU activity. Pennsylvania law currently defines "furnish" as "to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged;"
- The consumption of illegal drugs or unprescribed controlled substances by any HU students and/or employees so as to adversely affect academic or job performance and/or endanger the physical well-being of other persons and/or oneself, and/or which leads to damage of property; and
- The possession, sale, distribution, promotion or consumption of illegal drugs or unprescribed controlled substances in a manner that constitutes a violation of federal, state or local law, including the sale, directly or indirectly, of any illegal drugs or unprescribed controlled substances at a premise or by an entity not licensed for such sales on property owned or controlled by HU or as part of any HU activity.

In cases of a drug overdose, the primary concern is the health and safety of the individual(s) involved. An individual is strongly encouraged to call for medical assistance when needed or for anyone who has possibly overdosed. No student seeking medical treatment for a medical emergency involving illegal drugs or unprescribed controlled substances will be subject to HU discipline for the sole violation of using or possessing illegal drugs or unprescribed controlled substances. This policy shall extend to another student seeking help for any student.

Reporting Violations of Alcohol and/or Drug Usage

Employees should report behaviors prohibited by this policy to their immediate supervisor for whom they work, who will bring the matter to the attention of the Office of Human Resources.

Students and student employees should report violations to any member of the Office of Student Life.

Sanctions

Sanctions will be imposed on students or employees who violate federal or state laws, or this Policy. Laws regarding the possession, use or sale of alcohol or drugs, whether on or off-campus, and are expected to comply with this policy. Any student or employee who violates this Policy or applicable law may be subject to disciplinary sanctions and/or referral to law enforcement.

Disciplinary sanctions for students range from disciplinary warning to expulsion. The severity of the sanctions will depend, in part, on whether there have been repeated violations and on the seriousness of the misconduct. Sanctions are outlined within the Student Handbook.

Employees found to be in violation of this policy or applicable law will be subject to HU disciplinary procedures which may impose sanctions up to and including termination from employment and/or referral to law enforcement. Sanctions are outlined in the Employee Handbook.

Along with disciplinary consequences, HU is committed to providing treatment and education as appropriate to assist members of the community. HU may require of students or employees satisfactory participation in a drug abuse assistance or rehabilitation program approved for such purpose by a federal, state, or local health, law enforcement, or other appropriate agency prior to returning to studies or employment duties.

Support Systems and Resources for those Struggling with Dependency Issues

HU desires to assist members of its community who have a drug or alcohol-related problem.

For employees, support services and resources are available through health insurance plans to assist staff and faculty who are experiencing problems with chemical dependency. Individuals can speak with their primary care physician or their health carrier's member services department to access those resources.

The Student Services Office provides referral services which can provide assistance to students with substance-abuse problems. These programs can provide students and employees with more information about the dangers of drug and alcohol abuse and make referrals to other services throughout the community.

The following resources are available to students and employees seeking help with drug and alcohol related problems. These resources can provide information or refer treatment services, counseling, or support groups.

- **Harrisburg**

- Narcotics Anonymous 717-233-3733 or www.na.org
- Alcoholics Anonymous 717-234-5390 or www.aa.org
- Helpline 717-652-4400 or www.contacthelpline.org
- Dauphin County Department of Drug & Alcohol Services 717-635-2254 or www.dauphincounty.org

- **Philadelphia**

- Bridge Therapeutic Center at Fox Chase 215-342-5000 (a rehabilitation center for people ages 14-19).
- Narcotics Anonymous 215-629-6757 or www.na.org
- Al-Anon Family Groups 215-222-5244
- Youth Alcohol Program (Philadelphia) (215) 289-3350 (provides individual and group sessions for anyone who has a problem with drugs or alcohol).

- **Both Locations**

- National Institute on Drug Abuse Hotline or (800) 662-Help
- Alcoholics Anonymous (Philadelphia) (215) 023-7900 or www.aa.org
- Al-Anon Family Groups General Line (800) 339-9006

HU Community Education on Substance Abuse

This policy will be distributed to all employees and students as part of HU's Annual Security Report issued annually on or before October 1 pursuant to The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Furthermore, for those students and employees who join the HU community after October 1, additional distributions will occur to those new to the community on January 31 and May 31.

Furthermore, in odd-numbered years, HU will conduct a biennial review of educational programming concerning alcohol and drug usage to determine its effectiveness and implement changes to the program if they are needed; and to ensure that the disciplinary sanctions are consistently enforced. The report will be published on HU's public website and various internal sites available to students and employees.

The following information is included in the Appendices of this Policy for educational purposes:

Appendix A: Possible Effects of Substance Abuse and Physical Signs of Drug Abuse

Appendix B: Symptoms and Progression of Alcoholism

Appendix C: Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

Appendix D: State Penalties and Sanctions for Unlawful Use of Alcohol

Appendix E: State Penalties and Sanctions for Drug Possession

APPENDIX A-DAAPP

Possible Effects of Substance Abuse and Physical Signs of Drug Abuse

<u>SUBSTANCE</u>	<u>POSSIBLE EFFECTS</u>
Alcohol	Toxic Psychosis, Neurological and Liver Damage, Fetal Alcohol Syndrome
Marijuana	Bronchitis, Conjunctivitis, Possible Birth Defects
Amphetamines	Loss of Appetite, Delusions, Hallucinations, Toxic Psychosis
Nonprescription Stimulants	Hypertension, Stroke, Heart Problems
Cocaine	Loss of Appetite, Depression, Convulsions, Nasal Passage Injury, Heart Attack, Stroke, Seizure
Cocaine Free Base	Weight Loss, Depression, Hypertension, Hallucinations, Psychosis, Chronic Cough
Barbiturates	Severe Withdrawal Symptoms, Possible Convulsions, Toxic Psychosis
Methaqualone	Coma, Convulsions
Heroin	Addiction, Constipation, Loss of Appetite
Analogues of Synthetic Narcotics	Addiction, MPTP Induced, Parkinsonism
Morphine	Addiction, Constipation, Loss of Appetite
Codeine	Addiction, Constipation, Loss of Appetite
Oxycodone	Addiction, Constipation, Loss of Appetite
Meperidine	Addiction, Constipation, Loss of Appetite
Methadone	Addiction, Constipation, Loss of Appetite
Inhalants	Impaired Perception, Coordination, Judgment, Toxicity from Solvent, Impurities
Nitrous Oxide	Kidney or Liver Damage, Peripheral Neuropathy, Spontaneous Abortion
LSD	May Intensify Existing Psychosis, Panic Reactions
Mescaline	Milder than LSD

MDA, MDE, MDMA, MMDA	Neurotoxin
Psilocybin PCP	Milder than LSD Psychotic Behavior, Violent Acts, Psychosis
Tobacco	Loss of Appetite, Addictive, Lung Cancer, Effects on Fetus

Physical Signs of Drug Abuse

<u>SUBSTANCE *</u>	<u>PHYSICAL SIGNS OF USE/ ASSOCIATED PARAPHERNALIA **</u>	<u>BEHAVIORAL SIGNS OF USE **</u>
Anabolic Steroids	Enlargement of muscle masses, weight gain, fluid retention, high blood pressure, atherosclerosis, increased plasma lipids, shrunken testes, liver disease, stroke, heart attack, death. Needles, syringes.	Stimulation, aggressive behavior, increased energy.
Cannabis Marijuana, hashish, (pot, dope, reefer, sinsemilla)	Bloodshot eyes, persistent cough or respiratory infection, increased appetite. Strong odor of burning rope or plant material, rolling papers, pipes, "roach clips", water pipers. Eye drops for clearing up bloodshot eyes.	Impaired concentration and short-term memory, uncontrollable laughter, apathy, sleepiness despite adequate rest.
Stimulants Amphetamines (speed, white cross, black beauties)	Dilated pupils, rapid breathing, decrease in appetite, weight loss, excessive talking, insomnia, hyperactivity.	Inexplicable mood swings (elation to depression), nervousness, auditory hallucinations and paranoid thinking after heavy use.
Cocaine (coke, toot, blow, nose, crack)	Nasal irritation, running or bleeding nose, dilated pupils, rapid respiration, hyperactivity. Razor blades, small mirrors, straws, screens for pulverizing cocaine crystals.	Rapid mood swings (elation to depression and back to elation within one hour), lack of money due to high cost of drug.
Depressants Alcohol Sedative- Hypnotics/ tranquilizers	Slurred speech, lack of coordination, shallow and slow breathing.	"Drunken" behavior, possibly including aggressiveness and belligerence, frequent auto accidents or other physical mishaps.
Narcotics Opiates and other prescription	Pinpoint pupils, shallow and slow breathing, sleepiness, needles, syringes	Euphoria, dreamy behavior.

painkillers, heroin, and eye droppers if drug is administered
dilaudid, percodan by injection.

Hallucinogens LSD and related substances (acid, blotter, window pane, microdot)	Dilated pupils, small squares of plastic or paper with imprinted designs, tattoos, small colored tablets.	Hallucinations, confusion, disorientation, panic reactions, inappropriate laughing or crying.
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Phencyclidine (PCP) (angel dust)	Increased blood pressure, lack of coordination, loss of sensitivity to pain, imprecise eye movements.	Withdrawal, confusion, disorientation, bizarre behavior, aggressiveness, hyperactivity alternation with stupor.
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Inhalants Airplane model glue, toluene, gasoline and other petroleum products, deodorants and other aerosols, typewriter fluid	Nasal irritation, rapid or erratic pulse, lack of coordination, headache, rags saturated with substance in question. Plastic bags, possession of containers of solvents for no apparent reason.	Confusion, "drunken" behavior, hallucinations, aggressiveness, hyperactivity.
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* Many substances listed are available only in adulterated form through illegal channels. Up to 70% of drugs used by substance abusers are misrepresented in some way. Example: drugs sold as "speed" are represented as amphetamines, but often contain caffeine, phenylpropanolamine (PPA) or ephedrine.

** Although these symptoms may be indicative of drug use, many of the physical and behavioral signs can be associated with physical or mental illness, adolescence or the aging process. Be careful and thorough in investigating drug abuse. Get professional help.

APPENDIX B-DAAPP

Symptoms and Progression of Alcoholism

Alcoholism is a chronic, progressive disease with predictable, identifiable symptoms which, if not treated, can be fatal. Here is a list of some primary symptoms of alcoholism, placed in the order in which they generally occur. One need not be experiencing all of these symptoms or in the order listed to be suffering from alcoholism:

Increase in Tolerance	Being able to out-drink your peers is not something to be proud of, but to be concerned about.
Preoccupation	Looking forward to drinking after work or on the weekend. Planning your social activities around alcohol.
Blackouts	Occasional memory lapses while drinking or an alcohol-induced state of amnesia.
Sneaking Drinks, Gulping Drinks	
Loss of Control	Unplanned drinking episodes or inability to realistically predict what will happen once you take the first drink.
Alibis	Having to explain why you drank or make excuses for your drinking.
Change in Drinking Patterns and Attempts to Control Promises and Resolutions Repeatedly Fail Family Problems, Financial Problems,	
Going on the Wagon	Some people quit drinking for a period of time in an attempt to control their drinking or prove to themselves that they are not physically addicted to alcohol, failing to realize that one need not drink every day in order to have a drinking problem.
Increasing Blackouts	
Geographic Escape	Changing jobs, moving to a different city or state to get a "new start."
Impaired Thinking, Loss of Job, Decrease in Tolerance, Drinking in the Morning	
Physical Deterioration	Liver, heart, stomach, brain damage.
Indefinable Fears	
Abandonment	"I don't care."

APPENDIX C-DAAPP

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute, and simple possession of drugs/controlled substances.

Federal penalties and sanctions for the simple possession of a controlled substance are quite severe. The law sets forth sentences and fines that include the following:

- First conviction: up to one-year imprisonment, a fine of at least \$1,000, or both. After one prior drug conviction: at least 15 days in prison, not to exceed two years, and a fine of at least \$2,500. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000. A special, harsher sentencing provision applies for possession of flunitrazepam (Rohypnol). (21 U.S.C. §844(a)).
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment, as well as forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance. (21 U.S.C. §§853(a) & 881(a)).
- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to five years for the first offense, up to 10 years for the second offense, and permanently upon the third offense. (21 U.S.C. §862).
- Ineligibility to receive or purchase a firearm. (18 U.S.C. §922(g)).

Moreover, revocation of certain federal licenses and benefits (e.g., pilot licenses, public housing tenancy) are vested within the authorities of individual federal agencies.

These penalties may be doubled when a person who is at least 18 years old: (1) distributes a controlled substance to a person under 21 years of age (a term of imprisonment for this offense shall not be less than one year), and/or (2) distributes, possesses with intent to distribute, or manufactures a controlled substance in or on, or within 1,000 feet of, the real property comprising a public or private elementary or secondary school, or a public or private college. (21 U.S.C. §§859 & 860).

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- 1st conviction and the amount of crack possessed exceeds 5 grams
- 2nd crack conviction and the amount of crack possessed exceeds 3 grams
- 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

APPENDIX D-DAAPP

State Penalties and Sanctions for Unlawful Use of Alcohol

The Commonwealth of Pennsylvania prohibits the service or consumption of alcohol to persons under 21 years of age.

All persons while in the Commonwealth of Pennsylvania are subject to the Pennsylvania Liquor and Penal Codes. They are as follows:

ACTIVITY

PENALTY

<u>ACTIVITY</u>	<u>PENALTY</u>
Misrepresentation of age to secure any alcohol, liquor, malt, or brewed beverage	Fine not to exceed \$500 and suspension of operating license
Individual less than twenty-one years of age who purchases, consumes, possesses, or transports any alcohol, liquor, malt, or brewed beverage.	Fine not to exceed \$500 and suspension of operating license
Misrepresenting to liquor dealers or others that another party who is a minor is of age.	Fine not less than \$300
Inducement of minors to buy alcohol, liquor, malt, or brewed beverages.	Fine not less than \$300
Selling or furnishing alcohol, liquor, malt, or brewed beverages to minors.	First violation fine not less than \$1,000, subsequent violation fine not less than \$2,500
Carrying a false ID card.	First offense is a summary offense and results in restriction of operating privileges; subsequent offense results in restriction of operating privileges and fine of \$300

The law provides for the restriction of operating a motor vehicle privilege (loss of driver's license). This penalty is applied in an escalating manner in each subsequent offense as outlined here.

FIRST OFFENSE: Loss of motor vehicle operating privileges for a period of 90 days from the date of suspension.

SECOND OFFENSE: Loss of motor vehicle operating privileges for a period of one year from the date of suspension.

THIRD AND SUBSEQUENT OFFENSE: Loss of motor vehicle operating privileges for a period of two years from the date of suspension.

Non-drivers shall be unable to secure an operator's license for the time periods related to the number of offenses.

APPENDIX E

State Penalties and Sanctions for Drug Possession

Pennsylvania Marijuana Possession Penalties

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

- For 30 grams or less, you are facing misdemeanor charges of up to 30 days in jail, and a fine of \$500.
- For possession of more than 30 grams, the penalties go up to 1 year in jail and \$5000 in fines. Automatic six-month loss of license.
- If you are a first-time marijuana offender, it is possible to get probation without a verdict. For second (2nd) offense possession charges, or multiple subsequent offenses, the penalties may double.
- If you have more than 30 grams of marijuana, you run the risk of being charged with possession with intent to deliver or distribute in many cases.

Pennsylvania Drug Possession Penalties

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

- Up to one year in prison, and/or a \$5,000 fine first (1st) offense.
- Up to two years in prison for a second (2nd) offense.
- Up to three years in prison for a third (3rd) offense.
- Possession of more than five grams of crack (cocaine) may be subject to a minimum penalty of 5 years in prison.

Possession of Drug Paraphernalia, or Selling/distributing Marijuana

- Up to 1 year in jail and/or a fine of up to \$2500.
- For selling to a minor, under Pennsylvania Drug laws, it can be a felony charge of up to 2 years in jail and a \$5000 fine.

Appendix 4

HU Campus Maps

Harrisburg University - Main Campus

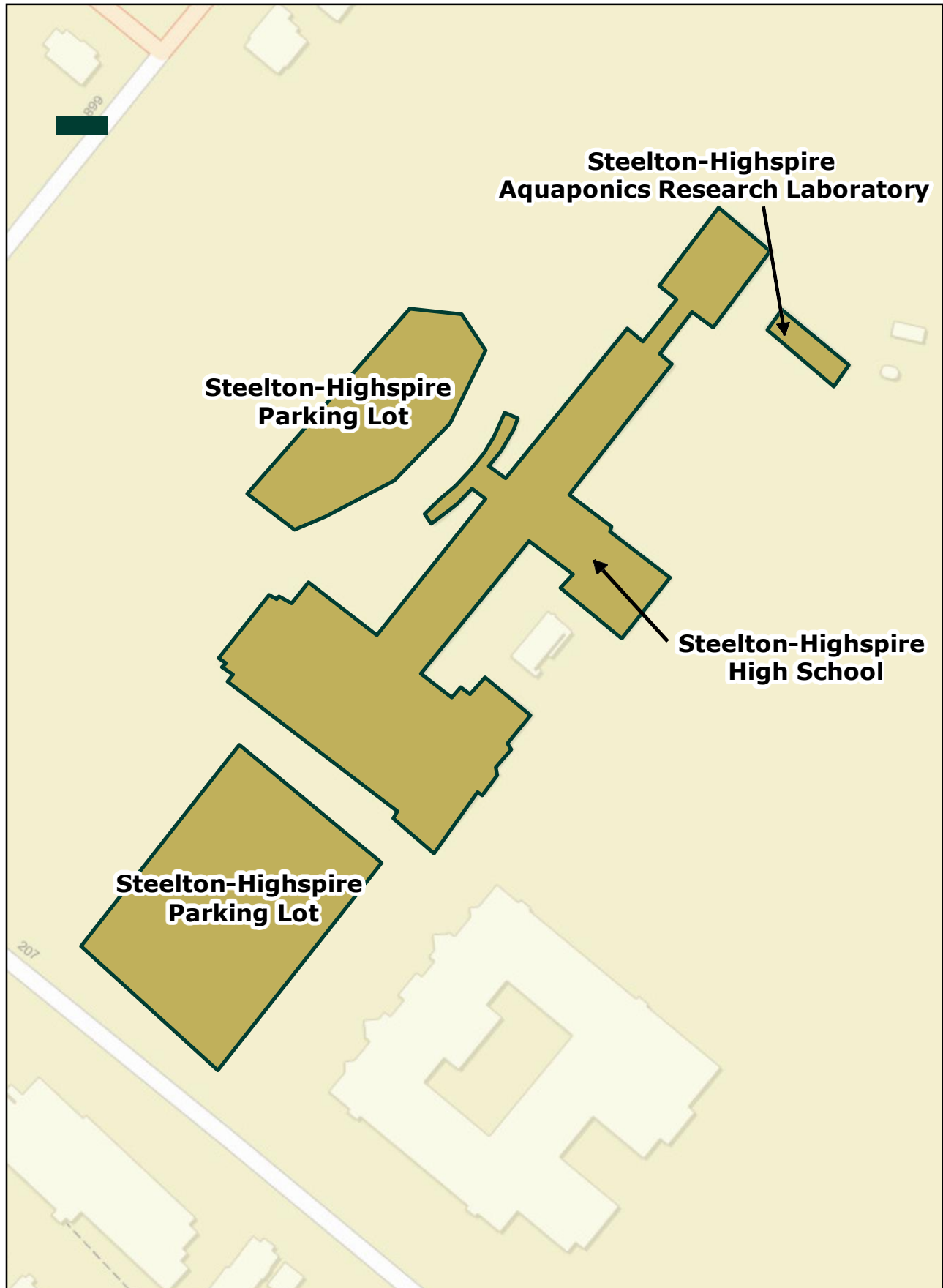
326 Market St. - Harrisburg, PA



0 137.5 275 550 825
Feet

Steelton Highspire Aquaponics Lab

250 Reynders Street - Harrisburg



Harrisburg University - Philadelphia Campus

1500 Spring Garden St. - Philadelphia, PA

