



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

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STUDENT HANDBOOK

Note:

This Version of the Student Handbook supersedes and replaces any and all previous Student Handbooks or written employee policy statements.

Any interim changes to this Student Handbook will be posted at the University's website at: <https://myhu.harrisburgu.edu/ics>. It is the responsibility of the student to be aware of all changes.

The Student Handbook, in its entirety, is enforced as a policy of Harrisburg University of Science and Technology. Failure to abide by its content may result in discipline up to and including expulsion.

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Institutional Mission Statement

“The Harrisburg University of Science and Technology [HU] offers innovative academic and research programs in science and technology that respond to local and global needs. The institution fosters a diverse community of learners, provides access and support to students who want to pursue a career in science and technology, and supports business creation and economic development.”

Approved by the Board of Trustees: September 2015.

Statement of Community Values

Underlying the University’s mission are the following basic values

- the importance of personal integrity, honesty, and ethical decision making;
- the right of every individual to be treated with respect and dignity as a member of a learning organization;
- the freedom of intellectual inquiry in the pursuit of truth, even if it defies commonly understood theories;
- the acceptance and appreciation of human diversity regarding race, gender, religion, sexual orientation, age, ability, ethnicity, and political views;
- the freedom from violence or harassment that would interfere with or disrupt university activities; and
- the recognition that civic engagement is a component of the intellectual development of a student which provides a path for knowledge and personal development in the service of the community.

Student Responsibility Statement

A student has the responsibility to engage fully in assigned work, to be interactive in academic discussions, and to develop professional competencies both in the classroom and at internship sites. HU is new in both thought and ideas. The student should be a partner in this endeavor now and in the future.

It is the student’s responsibility to be engaged in HU’s community of learners and to develop a strong professional and ethical foundation as a community member. Failure to uphold HU’s rules and policies, as well as federal, state, or local laws and/or regulations, may result in disciplinary action by HU pursuant to its *Code of Student Conduct (Code)*.

CHAPTER 1. CODE OF CONDUCT

Purpose

The purpose of HU's *Code* is to provide a safe, inclusive, and secure environment by discouraging conduct inconsistent with the mission and standards of the institution. The *Code* is published so students are notified of prohibited behavior, as well as their rights and responsibilities during the *Code* process. The intent of the *Code's* process is to provide fair due process in determining whether a student is responsible for violating HU's rules or policies. This *Code* provides a means for students to exercise their rights and responsibilities within the *Code's* system. The *Code* also ensures the interests of the entire HU community are considered.

Applicability

- A. The *Code* applies to the on-campus conduct of all students. The *Code* also applies to off-campus conduct of students that, in HU's judgment, involves or affects HU or other members of its community, including, but not limited to, conduct in connection with:
 - 1. Academic work or other HU-related educational activities and experiences, such as class projects, field trips, internships, studies abroad, or experiential learning courses;
 - 2. Activities sponsored, conducted, or authorized by HU or its student organizations;
 - 3. Activities that cause or threaten to harm the health, safety, well-being, or property of HU or members of its community, including the student him or herself; or
 - 4. Activities that unreasonably disturb the peace and privacy of the student's neighbors when living off-campus.
- B. The *Code* applies to conduct by a student:
 - 1. If the student is enrolled and actively taking course(s); or
 - 2. If the student is enrolled and conduct occurs outside of an academic term; or
 - 3. If the conduct occurred when the student is not otherwise enrolled at HU but still registered as a student; or
 - 4. If the conduct occurred while the student was enrolled, but HU does not learn of the conduct until after the student graduates, withdraws, takes leave, or is otherwise absent from the University.
- C. Students also continue to be subject to federal, state, and local laws/regulations while at HU. While those laws/regulations are separate and independent from the *Code* and impose different evidentiary standards, violations of them may also constitute violations of the *Code*. In these instances, HU may act under the *Code* independent of any other legal proceeding involving the same conduct and may impose consequences for violation of

the *Code* even if such other proceeding is not yet resolved or is resolved in the student's favor.

Authority for Student Conduct

- A. HU's Provost/Vice President of Academic Affairs (Provost) has final authority over any student conduct issue and may take immediate and/or interim action at her/his discretion for any violation of HU's policies or procedures. Action taken by the Provost, unless otherwise indicated, is final.
- B. In most circumstances, authority of *Code* matters has been delegated by the Provost to the AVP of Student Services (Director), who will exercise it consistent with these procedures.
- C. The Provost, or the Provost's Designee (Designee), has the authority to take immediate, necessary, and appropriate action to protect the health, safety, and well-being of an individual and/or the HU community. The Provost or Designee, may take interim actions, including but not limited to, evicting a student from HU housing, restricting a student's access to and movement about the campus, and/or suspending a student from HU whenever the continued presence of the student is deemed to pose a serious threat to her/himself or to others or to the stability and continuance of normal HU functions. The interim action(s) are called emergency provisions and shall become effective immediately upon delivery of written notification to the student or his/her designee. A meeting as prescribed by the *Code* will be granted as soon as practical.
- D. The Office of Student Services, with direction and guidance from the Provost, is responsible for administering the *Code* and ensures that all *Code* proceedings are carried out in accordance with HU policies and procedures.
- E. Action under the *Code* may be pursued for any violation by a student, whether on or off campus, of HU policy, or if charged with a crime by law enforcement under federal, state, or local laws, the nature of which potentially affects HU's community and/or is inconsistent with its expectations for students.

Student Rights

A respondent, complainant, or victim is not entitled to be present while responsible HU officials are deliberating and determining the merits of a complaint..

Rights of a victim or complainant (if applicable) include:

- 1. The student has a right to review and respond to all statements that will be considered for a determination.
- 2. HU will disclose the final results of any disciplinary proceeding to complainants as permitted by federal and state laws, as well as HU policy

3. The student has the right to appeal the final determination in the procedures set forth in the *CoC*.

Rights of the student respondent (alleged offender):

1. A student charged with violating the *CoC* has the right to a fair and reasonable process for handling the charges as required by federal and state law, as well as HU policy.
2. The student has the right to be informed of the procedures that will be used in adjudicating the charges against them, including but not limited to notice of the charges, deadlines associated with stages of the process, the kinds of evidence that may be submitted at each stage, and the availability of appeals processes, if any.
3. The student has the right to review and respond to any statements or documents that will be used in the determination.
4. The student has the right to appeal the determination for reasons outlined in the *CoC* process.

Definitions

Complainant

A complainant is the person who reports a concern and/or who has been impacted by an alleged policy violation or is the person who has been the recipient of a violation of this *Code*. In some instances, there may be no complainant as there is no recipient of the violation.

Conference

An informal meeting with an administrator for the Office of Student Services for policy violations that will not result in eviction from a residence, suspension, disciplinary probation, deferred suspension, or expulsion from HU.

Hearing

A formal meeting between the AVP of Student Services, or designee, to investigate a report of a violation of this *Code*.

Parties

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

Emergency Provision

A provision is a temporary measure/s, imposed on an individual/s, usually respondent/s, based on credible information from a report of misconduct. The AVP of Student Services can impose emergency provisions, including removal from campus or campus housing for students based on the initial information received in a credible report of misconduct. As a provision may impact a

respondent's access to education or employment, the AVP of Student Services will only implement provisions if there is cause to believe that the respondent 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. Respondents have the right to appeal these provisions by submitting an appeal letter and appropriate documentation to the AVP of Student Services within the timeframe included in the notice of emergency provision. The appeal will be determined by a designee not directly involved in the resolution process.

Respondent

Respondent is the person who is alleged to have violated this policy. A respondent can be a student or employee.

Support Measures

HU can provide reasonable support measures for those impacted by misconduct, including complainants, respondents, and witnesses. Support measures do not expire for the duration of an individual's enrollment, but HU will revisit the measures on an annual basis with the individual requesting such measures. Support measures cannot penalize another individual. For instance, a complainant cannot request that HU remove a respondent from HU affiliate housing. An individual can initiate the process for support measures by contacting the AVP of Student Services.

Prohibited Conduct

The following are examples of prohibited behaviors and activities which may result in action against a student pursuant to this *Code*. The attempt or commission of these acts, the condoning, supporting, or encouraging of others in the attempt or commission of these acts, or the failure to prevent one's guests from attempting or committing these acts may be treated as violations of this *Code*.

CCV.A - Alcohol¹: The use, abuse, possession, or distribution of alcohol, except as permitted by law and HU policy. This includes, but is not limited to:

CCV.A.1 – Possession:- Possession of alcoholic beverages on any HU controlled properties.

CCV.A.1.a – Underage Possession: Possession of alcohol by persons under 21 years of age.

CCV.A.1.b – Common Source Possession: Possession of common source alcohol containers, whether full or empty, including but not limited to kegs, beer balls, or boxed wine.

¹ See *Appendix 4 Drug and Alcohol Abuse Prevention Program* for additional information regarding HU's policies and resources for preventing drug and alcohol abuse

CCV.A.2 – Consumption: Consumption of alcoholic beverages, including:

CCV.A.2.a – Underage Consumption: Consumption of alcoholic beverages by persons under 21 years of age;

CCV.A.2.b – Public Consumption: Consumption of alcoholic beverages by persons 21 years of age or older in any public HU area, unless it is an official HU approved event or HU venue licensed to serve alcohol.

CCV.A.3 – Intoxication: Intoxication by any person, regardless of age.

CCV.A.4 – Unlawful Distribution: Sale, distribution, provision, or attempts to sell, distribute, or provide alcoholic beverages to anyone under 21 years of age. This also applies to those hosting social gatherings where alcohol is available for consumption to persons under the age of 21.

CCV.B - Complicity: Being present or otherwise involved in a way that condones, supports, or encourages any acts which violate this *Code* or any prohibited conduct contained within the *Student Handbook*. Students who observe acts in violation of policies outlined in the *Student Handbook* are expected to remove themselves from the area/situation and are encouraged to report the matter.

CCV.C - Computer-related Violations: Use of computers or related technical equipment and or technical services or time for unethical, illegal, or harmful activities. Any violation of HU's computer usage policy constitutes a violation of the *Code*.

CCV.D - Damage to or Misuse of Property:

CCV.D.1 – Damage/Defacement: Damaging or defacing HU property or the property of others.

CCV.D.2 – Unauthorized Access: Unauthorized entry or access into HU property or the property of others.

CCV.D.3 – Unauthorized Use: Unauthorized use or misuse of HU property or the property of others.

CCV.E - Dangerous Conduct: Intentionally or carelessly engaging in conduct that threatens or endangers the health or safety, or causes physical harm to any person, including the violator. This includes, but is not limited to:

CCV.E.1 - Harmful Contact: Intentionally or carelessly causing bodily harm to a person or engaging in harmful physical contact that would likely have caused bodily harm despite the lack of any measurable harm.

CCV.E.2 – Threatening: Placing a person in fear of imminent physical danger or bodily harm.

CCV.E.3 - Reckless Behavior: Engaging in reckless behavior that creates a potentially unsafe situation for any member of the community.

CCV.F - Dangerous Items: The use, possession, or storage of any firearms, knives, explosives, other weapons (including but not limited to martial arts), fireworks, or dangerous chemicals; or use, possession, or storage of any items perceived as firearms, explosives, other weapons, or dangerous chemicals. This includes, but is not limited to:

CCV.F.1 – Firearms/Ammunition: Firearms and ammunition to include any gun, rifle, pistol, or handgun, including any homemade device, designed to fire bullets, BBs, pellets, or shots (including paint balls), regardless of the propellant and projectile used.

CCV.F.2 – Explosives/Fireworks: Explosives and fireworks including, but not limited to, firecrackers, cherry bombs, smoke bombs, black powder, and similar devices.

CCV.F.3 – Weapons: Weapons ~~are~~ any instrument of combat, or any object not designed as an instrument of combat but carried or used for the purpose of inflicting or threatening bodily injury or damaging/destroying HU property or the property of others.

CCV.F.4 – Hazardous Materials/Chemicals: Unauthorized hazardous materials or chemicals.

CCV.G - Disorderly Conduct: Acting in a manner which annoys, disturbs, interferes with, obstructs, or is offensive to another/others. This includes, but it is not limited to:

CCV.G.1 – Disturbance: Shouting or making excessive noise either inside or outside HU or an HU controlled building to the disturbance of others.

CCV.G.2 – Verbal Abuse: Verbally abusing or disregarding HU officials (including students appointed to act as representatives of HU) in the performance of their duties.

CCV.G.3 – Lewdness: Behaving in a lewd or indecent manner.

CCV.G.4 – Disruptive Incitement: Engaging in, leading, or inciting others to act in a way that is disruptive to the HU community.

CCV.H - Drugs²: The use, possession, and/or distribution of any drug and/or drug paraphernalia. Drugs include any controlled substances as defined by law, including those without a valid prescription, and/or other recreational substances, including anything deemed by law enforcement as “street drugs.” HU does not permit marijuana for any purpose; students who qualify under local law to use marijuana for medical purposes may not possess, store, use, or share marijuana on HU-owned or controlled property or during HU-sponsored events. This includes but is not limited to:

CCV.H.1 – Possession of Paraphernalia: Possession of paraphernalia includes any item typically used to inhale/ingest/inject/mask drugs, regardless of whether the item has been used for illegal purposes.

CCV.H.2 – Possession: Possession of drugs without a valid prescription.

² See *Appendix 4 Drug and Alcohol Abuse Prevention Program* for additional information regarding HU’s policies and resources for preventing drug and alcohol abuse

CCV.H.3 – Use: Use of drugs without a valid prescription.

CCV.H.4 – Distribution: Distribution (any form of exchange, gift, transfer, or sale) of drugs.

CCV.H.5 – Manufacture: Manufacturing of drugs.

CCV.I - Gambling: Participation in any form of illegal gambling as defined by federal, state, or local law.

CCV.J - Harassment³: Any actions, threats, gestures, images, sounds, and/or words directed toward another person using any medium which have the purpose or which tend to incite a disturbance of the peace, create a hostile environment, or cause emotional distress to that person because of the humiliating, degrading, intimidating, insulting, coercive, ridiculing, and/or alarming nature of the conduct. It may, but not always, involve a pattern of conduct.

CCV.K - Hazing⁴

CCV.L – Interfering with Fire Safety: – Any action that threatens the safety of an individual, HU community, or HU facility regarding fire safety.

CCV.L.1 – Fire Safety Equipment Violation: Misusing, tampering, or damaging fire safety equipment including, but not limited to, fire extinguishers, smoke alarms, sprinkler systems, cameras, exit signs, etc.

CCV.L.2 – Unauthorized Burning: Unauthorized burning of any material in any HU classroom that is not done under faculty supervision, in HU controlled buildings, on HU property, or on areas adjacent to HU property.

CCV.L.3 – Disregarding Fire Emergency: Disregarding a fire alarm signal, refusing to evacuate a building or a section of a building or failing to adhere to the directions of HU and/or First Responder personnel when a fire alarm is sounding.

CCV.L.4 – False Activation: Recklessly or intentionally activating an alarm when an emergency does not exist.

CCV.M - Interfering with HU Events: Interfering with any HU or HU-sponsored events, including but not limited to studying, teaching, research, public programs, HU sponsored social programs, clubs, sports, ceremonies, and HU's administration of fire, police, or emergency services.

CCV.N - Non-academic Dishonesty:

CCV.N.1 – False Information: Knowingly furnishing false information to HU or a member of its community, for purposes including but not limited to, gaining admission to HU or at HU *Code*, *Academic Code* or *Title IX/Sexual Misconduct* proceedings.

³ For harassment based on sex, see *Chapter 3: HU's Sexual Misconduct Policy*.

⁴ HU's *Anti-hazing Policy* is contained in Appendix A of the *Student Handbook*.

CCV.N.2 – Forgery/Alteration: Forgery, misuse, unauthorized alteration and/or creation of documents, records, HU identification cards, keys, or other objects.

CCV.N.3 – Possession: Possession or use of false identification cards issued by an entity other than the HU.

CCV.N.4 – Deception: Deception, through act or omission, committed against a member of the campus community or others.

CCV.N.5 – False Reporting: Knowingly initiating or causing to be initiated any false report, warning or threat.

CCV.N.6 - Bribery: Providing or attempting to provide gifts, payment, favors, or anything that is seen as having value to the intended recipient in order to gain access to preferential services or an academic advantage.

CCV.O - Non-compliance: Failure to comply with reasonable directives of HU officials, including students appointed to act as its representatives in performance of their duties. Directives to provide identification and/or participate in a HU *Code* process are included in the scope of this provision.

CCV.P - Retaliation: A materially adverse action taken against an individual for having engaged in protected activities that is sufficiently severe or pervasive to potentially deter a reasonable person from engaging in the protected activities. Protected activities are reporting an incident of misconduct or for participating, in any manner, in an investigation or procedure related to a report of misconduct. Examples of retaliation include but are not limited to terminating someone's employment; reducing a grade; removing someone from an organization; direct or indirect intimidation, threats, coercion or harassment; or other forms of discrimination.

CCV.Q - Sanction Violation: Violating the terms of any imposed *Code* sanction including the failure to complete sanctions by the stated deadline.

CCV.R- Stalking, not based on sex: A course of conduct, not based on sex, 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;
- 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.

CCV.S - Sexual Misconduct⁵

SMV.A-Dating/Domestic Violence

SMV.B-Gender-based harassment

SMV.C-Sexual Assault

SMV.D-Sexual Harassment

SMV.E-Stalking

CCV.T - Smoking/Tobacco Use: Smoking, vaping, or chewing tobacco in a building or vehicle that is owned, operated, or leased by HU, or within 25 feet of an entrance or window of any such building or vehicle. This includes parking garages located within an HU building but not operated by HU.

CCV.U- Solicitation: Unauthorized solicitation, sale, or promotion of any goods or services in University owned or operated property, including residence halls, or at HU-sponsored events.

CCV.V- Theft/Unauthorized Possession of Property

CCV.V.1 – Theft: Theft of property, services, or possession of stolen property.

CCV.V.2 – Unauthorized Possession: Unauthorized possession of University property (including residence hall lounge furniture) or the property of others.

CCV.W - Violation of Law: Being charged with a violation of federal, state, or local laws or regulations by a court or magistrate, regardless of whether the charge is substantiated.

Student Conduct System & Procedures⁶

These guidelines contain a student's rights and responsibilities during the *Code* process. This *Code* does not, nor is it intended to, afford the specificity or the due process rights of criminal or civil statutes or procedures.

⁵ HU's *Sexual Misconduct Policy* is contained in Chapter 3 of this Handbook. The complaint resolution procedures for a violation of HU's *Sexual Misconduct Policy* comply specifically with Title IX reporting obligations. HU will resolve student complaints that do not meet the definition of prohibited conduct under Title IX through the complaint resolution process outlined in the *Code*.

⁶ 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 Accessibility Services.

A. Case Referrals

1. Any person may refer a student suspected of violating this *Code* to HU's Office of Student Services.⁷ All referrals are reviewed to determine the appropriate student conduct or administrative action to be taken in accordance with this *Code* including, if there is insufficient evidence to support formal action or a determination that no formal action is warranted.
2. When possible, referrals should be made within a reasonable timeframe after the alleged incident (or after the latest alleged incident in cases of harassment or where there is a succession of documented incidents). A proceeding under the *Code* may be pursued after considering the amount of time that has passed since the alleged incident and whether there is enough information available to substantiate the reported behavior.
3. Administrative action, in lieu of formal student conduct action, may be taken at the discretion by the administration at HU, in an appropriate, consistent, and reasonable manner, to address student behavior.
4. The Office of Student Services accepts anonymous referrals through the following link:

https://harrisburgu-advocate.symplicity.com/public_report/index.php/pid873699?

However, its ability to investigate anonymous allegations may be severely hampered.

B. Student Conduct Proceedings

1. A student potentially subject to formal sanctions other than eviction from a residence, suspension, or expulsion, is entitled to a **conference**, which will normally consist of an informal meeting between the student responding to the allegations (respondent) and an Administrator for the Office of Student Services.
2. A respondent potentially subject to eviction from a residence, suspension, or expulsion from HU is entitled to a **hearing**, which will normally consist of a formal meeting between the respondent and the AVP of Student Services or the AVP of Student Services' Designee.

⁷ Amnesty Policy-HU encourages the reporting of 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 misconduct will not be subject to disciplinary action by HU for a conduct or policy violation that is related to and revealed in the 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.

3. Allegations of academic misconduct will be resolved under procedures set forth in *Academic Code of Conduct*, Chapter 2. Allegations of sexual offenses, that meet the definition of Title IX, will be resolved under the procedures set forth in the *Sexual Misconduct Policy*, Chapter 3.
4. A respondent who accepts responsibility for violations of this *Code* (prior to a conference or hearing) may meet with the AVP of Student Services, or AVP of Student Services' Designee, to determine an appropriate sanction(s), in lieu of attending a conference or hearing. This acceptance must be in writing, affirming acceptance of responsibility for the charge(s), and acknowledging that the full range of sanctions may be imposed.
5. Parties or witnesses that have been impacted by alleged misconduct may request support measures at the time of reporting. The AVP of Student Services or designee will determine whether the requests are reasonable, necessary, or possible.

C. Guidelines for Student Conduct Proceedings

The following procedural guidelines are applicable in HU student conduct proceedings. Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in student conduct proceedings. Deviations from *Code* procedures shall not necessarily invalidate a decision, unless there is significant prejudice to a respondent, complainant, or HU. If significant prejudice is determined to have occurred in the sole discretion of HU, the *Code* process will be repeated. Cases of sexual offenses will be resolved under the policies and procedures set forth in the *Sexual Misconduct Policy*, Chapter 3.

1. The respondent shall receive advanced written notification of the specific charges and the date, time, and location of the scheduled proceeding. Notice will be delivered by email to a respondent's HU's email account. If a respondent commutes, written notification will be by email delivery to a respondent's HU email account and US first class mail to a respondent's home residence. Receipt under any of these methods is acceptable notice under the *Code*. The Notice shall contain the rights and responsibilities of the respondent or a link where that information is located.
2. The respondent may request a reasonable extension of time to prepare for the proceeding. A request for an extension will not be granted for a period to exceed two business days except in unusual circumstances when the respondent can demonstrate the necessity for a longer delay. All requests for an extension of time are to be made in writing at least one **business** day prior to the scheduled proceeding, except in cases of documented serious illness or emergency. Extension requests can be submitted by email to the AVP of Student Services.
3. The respondent shall be given reasonable access to review the case file during the proceeding. "Case file" means the file containing those materials pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974. In some cases,

FERPA may dictate the redaction of specific types of information. If additional information becomes available and is relevant, it will be discussed and reviewed at the proceeding. The notes of HU staff members and investigators are not included in the case file and are not accessible. Names and other information of students may also be redacted in the incident report as appropriate for confidentiality.

4. The respondent shall have the opportunity to provide additional and relevant information that is not contained within the incident report for consideration during the proceeding.
5. The respondent may provide the names of witnesses from the HU community who have relevant and material information pertaining to the incident. Character witnesses will be excluded.
6. Proceedings will be closed to non-participants and to the public, including friends and HU personnel without an official interest in the case. To ensure the integrity of the process, witnesses, other than the complainant, may only be present in the proceeding when giving their statements and leave thereafter unless otherwise instructed.
7. A respondent may be accompanied by one advisor. The role of the advisor is limited to support and consultation; the advisor may not speak during any *Code* proceeding except privately to the respondent, nor shall the advisor question or address witnesses, the AVP of Student Services or the Director's Designee. Violation of this expectation will result in the advisor being removed from the proceeding at the discretion of the AVP of Student Services or the Director's Designee. Because of the limited role of an advisor, and HU's interest to expeditiously conclude the matter, a proceeding will not normally be delayed if an advisor is unavailable.
8. During the proceeding, the respondent shall have the opportunity to respond to the information of the alleged *Code* violation.
9. Prior disciplinary records may not be considered during the proceeding unless the conduct was founded, the appeal period of the prior violation has expired, and/or the records act as evidence supporting a pattern of behavior.
10. Information or testimony that does not directly relate to the *Code* violation, but instead reflects upon the character, reputation, personality, qualities, or habits of the respondent should not be presented and, if offered, may be excluded.
11. A respondent who fails to appear at a scheduled proceeding without good cause (e.g. documented serious illness) after receiving proper notice, may be adjudicated in absentia, and forfeits all rights to an appeal unless it is for lack of proper notice, as defined by this *Code*. Should a respondent fail to appear and not provide good cause for failing to do so, administration will make a determination based solely on information available or information presented during the proceeding.

12. Proceeding outcomes must be supported by a preponderance of evidence. Preponderance of evidence means that a greater weight of evidence supports the conclusion that a fact is true, or to establish that an event occurred. A preponderance of the evidence does not necessarily mean the greater *amount* of evidence, but rather the greater quality of evidence, making it more likely than not the matter in question is true. This standard of evidence is often called “50 percent plus a feather”.
13. A respondent may be found responsible for any prohibited conduct (including sections of the *Code* for which he or she was not originally charged) when behaviors that were previously unknown are discovered during the *Code* proceeding or if it is determined that a different section of the *Code* more appropriately addresses the conduct in question and if the respondent has been appropriately notified of the charges and given the opportunity to respond.
14. The outcome of the proceeding shall be conveyed to the respondent in writing and will include a notice of appeal.

Sanctions

- A. The imposition of sanctions is determined by the nature of the violation and the severity of any damage, injury, or harm resulting from it; any previous disciplinary record; and rehabilitative potential.
- B. In some cases, a sanction may be held in abeyance for a specific period. This means that, should the respondent be found in violation of the *Code* during the stated period, he or she may be subject to the deferred sanction in addition to any sanction appropriate to the new violation.
- C. Imposed sanctions in accordance with this *Code* include:

CCVS.A – *Warning*: An official verbal or written warning for violation of specified prohibited conduct with no official disciplinary record. May be used in consideration if further founded violations occur.

CCVS.B - *Censure*: An official written reprimand for violation of specified regulations.

CCVS.C - *Disciplinary Probation*: A period in which a student is expected to demonstrate positive behavioral change and be potentially excluded from participation in privileged or extracurricular HU activities. Additional restrictions or conditions for behavioral changes may be imposed. Violations of any term of a *Code* probation, or any additional violation of this *Code* during the period of disciplinary probation, may result in eviction from an HU residence and/or suspension, or expulsion from HU. A respondent on disciplinary probation is not in good disciplinary standing with HU.

CCVS.D - *Restitution*: Repayment to HU or to an affected party for damages resulting from a violation of this *Code*.

CCVS.E - *Denial of Access to Specific Areas*: A respondent can be banned from certain non-academic area(s) for a specified length of time.

CCVS.F - *Eviction from Residence*: Termination of the residence hall agreement and exclusion from visiting within certain or all HU residential facilities, as set forth in the notice of eviction, for a specified period or permanently. A respondent who is evicted is not entitled to a refund of room fees. A respondent who is a freshman or sophomore and is evicted from residence is unable to fulfill residency requirements and may be suspended, upon review.

CCVS.G - *Revocation of Privileges*: Restrictions placed on activities and/or use of HU services and facilities for a specified period or permanently.

CCVS.H - *Suspension*: Exclusion from classes and other privileges or activities, including access to HU premises or HU-sponsored activities off campus, as set forth in the notice of suspension, for at least one semester. A respondent who is suspended is not entitled to any tuition or fee refund and is banned from HU premises for the duration of the suspension.

CCVS.I - *Expulsion*: Termination of student status, and exclusion from HU premises, privileges, and activities. A respondent who is expelled shall not be entitled to any tuition or fee refund and is banned from HU premises permanently. A sanction of expulsion will be reflected in a respondent's transcript.

CCVS.J - *Discretionary Sanctions*: Other sanctions that bear a reasonable relation to the violation for which the student has been sanctioned may be imposed instead of, or in addition to, those specified above. Discretionary sanctions include, but are not limited to, service hours, fines, educational reflection assignments, participation in alcohol or drug awareness programs and trainings, and counseling and education regarding sexual assault and misconduct.

Appeals

The outcome of a *Code* proceeding may be appealed subject to the following guidelines:

- A. A letter of appeal must be submitted to the Office of Student Services by the respondent within three business days of receipt of the outcome of the *Code* proceeding.
- B. A respondent adjudicated in absentia forfeits all rights to an appeal process unless it is proven that it is for lack of proper notice, except in an extraordinary circumstance.
- C. The appeal must specify grounds that would justify consideration. **General dissatisfaction with the outcome of the student conduct proceeding or an appeal for mercy are not appropriate grounds for appeal.** The written appeal must specifically address at least one of the following criteria:

1. Significant procedural error that changes the findings of fact of the student conduct proceeding.
 2. New evidence that significantly alters the findings of fact, **that was previously unknown to the respondent**, has been discovered and is available during the appeal process.
 3. Respondent would be unable to access and complete education with the imposed sanction. These grounds will only be considered for sanctions that **do not include expulsion, suspension, or deferred suspension**,
- D. For matters resulting in eviction, suspension, or expulsion, the Provost will review and determine the outcome of the appeal. For all other matters, the AVP of Student Services (or Designee) will review and determine the outcome of the appeal.
- E. Only one appeal is permitted, unless circumstances dictate that the entire hearing process be repeated to avoid prejudice or bias. An appeal decision is final and shall be conveyed in writing to the respondent.
- F. The imposition of sanctions may be deferred while the appeal process is pending unless, in the discretion of the AVP of Student Services, the continued presence of the respondent on the campus poses a serious threat to her/himself or to others, HU property, or to the stability and continuance of normal HU functions.

Student Conduct Files and Record Retention

The files of respondents found responsible for any prohibited conduct will normally be retained as a student conduct record in the Office of Student Services, under the authority of the Provost. HU officials with a legitimate educational interest may use the record as a reference; however, the record will be retained for no more than five calendar years from the respondent's separation date from HU.

CHAPTER 2. ACADEMIC CONDUCT

Introduction

Academic dishonesty, to include cheating, plagiarism, and fabrication, undermines the learning experience. It is deceptive and consequently corrosive to HU's intellectual principles and ethical standards.

This *Code of Student Academic Conduct (Academic Code)* sets forth the standards of academic integrity and honesty which student members of our academic community are expected to follow. HU faculty are also bound to adhere to the strictest standards of academic integrity and honesty.

This *Academic Code* sets forth a system to enforce these standards, including the application of sanctions for substantiated violations.

All students and courses, whether face-to-face or online, must adhere to the academic integrity standards of HU. Failure to uphold HU expectations regarding academic behavior may result in student conduct action by HU under the authority of this *Academic Code*.

Applicability

- A. This *Academic Code* applies to all students.
- B. This *Academic Code* supersedes all other previous statements on academic dishonesty published or appearing anywhere.
- C. This *Academic Code* applies to all academic conduct in the broadest sense, including submitted drafts and final coursework, research, comprehensive examinations, internships, and the preparation of theses or dissertations.
- D. Sanctions for violations of this *Academic Code* may include the revocation of a previously awarded degree, certificate, or award. Sanctions under the Academic Code are applied whenever a determination is made that a violation has occurred.
- E. Confidentiality shall be observed in all proceedings under this *Academic Code*, to the extent possible, except where otherwise specifically provided.

Authority

- A. Faculty members have the initial responsibility for initiating the procedures provided in this *Academic Code*. The term "faculty member" includes any individual or committee with responsibility for a class, project, or activity. Other HU employees, such as teaching assistants and tutors, are expected to bring any suspected cases of academic dishonesty to the attention of the responsible faculty member who will proceed in accordance with the procedures stated in this *Academic Code*.

- B. The Office of Student Services will maintain a conduct file, which will include incidents of academic dishonesty that have been reported by faculty in accordance with this *Academic Code*.
- C. If information is received by a member of HU's community alleging that a graduate of HU engaged in academic dishonesty at the time he or she was a registered student but the alleged dishonesty was discovered after graduation, the information shall be brought to the attention of the Office of Student Services, who shall determine the procedures to follow and the appropriate sanction.

Student Rights

Rights of the student respondent for academic misconduct:

1. A student charged with violating the *ACoC* has the right to a fair and reasonable process for handling the charges as provided by HU policy.
2. The student has the right to be informed of the charges and the procedures that will be used in adjudicating the charges against them.
3. The student has the right to review and respond to any documentation used in the determination.
4. The student has the right to appeal the determination for reasons outlined in the *ACoC* process.

Prohibited Conduct

The following are the major categories of academic dishonesty:

ACV.A – Cheating: Cheating is the act of deceiving, which includes such acts as receiving or communicating information from another individual or source during an examination, looking at another's examination (during the exam), using notes when prohibited during examinations, using electronic equipment to receive or communicate information during examinations, using any unauthorized electronic equipment during examinations, obtaining information about the questions or answers for an examination prior to the administering of the examination, or whatever else is deemed contrary to the rules of fairness, including special rules designated by the professor in the course.

ACV.B – Fabrication or Falsification: Fabrication or Falsification involves the creation, alteration, or reporting of misleading or inaccurate information in an academic activity.

ACV.C – Plagiarism: Plagiarism is the act of presenting the work or methodology of another as if it were one's own material. It includes quoting, paraphrasing, summarizing, or utilizing the published work of others without proper acknowledgment, and where appropriate, with quotation marks. Most frequently, it involves the unacknowledged use of published books or

articles in periodicals, magazines, newspapers, and electronic media. However, any unacknowledged use of another's words, ideas, or electronic processes constitutes plagiarism, including the use of papers written by other students, oral presentations, interviews, radio or TV broadcasts, any published or unpublished materials (including Web-based materials, letters, pamphlets, leaflets, notes or other electronic or print documents), and any unauthorized or inadequately credited use of foreign language, scientific and/or mathematical calculation and/or modeling programs or online services.

ACV.D – Self-plagiarism: Improper use of one's own work is the unauthorized act of submitting work for a course that includes work done for previous courses and/or projects as though the work in question is an original for the present course/project.

ACV.E - Attempts to engage in any of the conduct described above or the facilitation of any of this conduct by another individual will be treated as conduct constituting academic dishonesty under the *Academic Code*.

Academic Conduct System & Procedures⁸

- A. When a faculty member suspects that an incident of academic dishonesty has occurred, the faculty member should communicate with the respondent⁹ in writing and promptly arrange a conference with the respondent to discuss the matter. The faculty member may consult with the Office of Student Services and/or the program lead (where applicable) on the issues involved. No one should discuss prior academic or disciplinary infractions of the respondent with the faculty member. At the conference, the faculty member will inform the respondent of his or her concerns, and the respondent will be given the opportunity to present his or her version of the facts. No counsel (e.g., parents/guardians, lawyers) will be present at this conference.
- B. Once an allegation of suspected academic dishonesty has been communicated to the respondent, the respondent may not withdraw from the course or academic project in question until a final determination has been reached and the appeal process is complete, or the deadline has passed.
- C. After an academic conference, or if the respondent does not respond in a timely fashion to the offer to confer one with the faculty member, the faculty member may conduct further investigation regarding the matter as the faculty member deems appropriate. Based on the facts, the faculty member will decide whether an act of academic dishonesty has taken place.

⁸ 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 Accessibility Services.

⁹ Respondent will be used interchangeably with student and refers to a student that has allegedly committed an academic conduct violation

- D. Faculty will use the preponderance of evidence standard in the investigation. A preponderance of evidence means it is more likely than not that a violation of the policy occurred. This standard is often referred to as “50 percent plus a feather”.
- E. If the faculty member concludes that the respondent more likely than not committed an act of academic dishonesty and consequently imposes a sanction, the faculty member will make a written record of the disposition of the matter, including the facts on which he or she relied. The faculty member will communicate this decision to the respondent and to the Office of Student Services to be recorded in the respondent’s conduct file. Faculty members must report through this public facing incident report link: https://harrisburgu-advocate.symplicity.com/public_report/index.php/pid927807? . Faculty should report all students that were involved in the misconduct, if known.
- F. Upon receiving the faculty member's decision, the AVP of Student Services or designee may decide to increase the sanction. This decision may be based on the existence of prior conduct violations. The Director shall prepare a written decision, which states the Director's conclusions and the facts upon which the Director relied. The respondent shall be informed in writing in a timely fashion of the decision.

Sanctions

Initial sanctions for academic dishonesty are imposed by the faculty member. Additional sanctions may be imposed by the AVP of Student Services or designee consistent with the *Student Code of Conduct*. Faculty may impose the following sanctions or a combination thereof:

ACVS.1 – *Warning No Violation* Respondent is provided with a written warning that any further violation will result in more severe sanctions such as a record of misconduct, grade reduction, failure of assignment, or failure for course. If faculty request to assign this sanction, the violation will not be on the student’s conduct record unless there were prior violations. In that instance, the Office of Student Services will review and sanction appropriately. The warning can and will be used in consideration of any further violations of HU’s policies. Respondents will be provided with access to remedial training.

ACVS.2 - *Revision and resubmission of an assignment:* Respondent is permitted to revise and resubmit the assignment, but with written record of the violation of conduct. The faculty member is responsible for the evaluation of the resubmission.

ACVS.3 - *Educational assignment or reflection assignment:* Respondent is responsible for completion of an educational or reflective assignment that is assigned and evaluated by the faculty member.

ACVS.4 - *Remedial training and assessment: Plagiarism Module* Respondent is responsible for the completion of an online training module offered through the Office of Student Services; assigned for all first-instances of founded academic misconduct.

ACVS.5-Remedial training and assessment: Time Management Respondent is responsible for the completion of online training module offered through the Office of Student Services.

ACVS.6 – Grade Reduction: Reduction of an assignment grade by a percentage or points as determined by the faculty member.

ACVS.7– Zero (0) Grade: Assignment of a grade of zero (0) for the assignment, test, quiz, presentation, etc.; and/or

ACVS.8 - Failure of course: The student will be administratively withdrawn from the course with a grade of an "FD".

Appeals

A. Requests for Appeal

1. A respondent may appeal a determination that an act of academic dishonesty occurred or for less severe sanctions by filing a request for a review of that finding.
2. The respondent shall file a request for review within three (3) business days of receiving the written notification of the sanction. The request for review shall be submitted in writing to the Office of Student Services in accordance with the process outlined in HU's policy and specifically as contained within the notification letter.
3. If the respondent does not request a review within the specified period, the decision of the Faculty Member shall be final.
4. The Office of Student Services receiving the request for review will proceed in accordance with the provisions below.

B. Appeal Procedures

Upon receipt of an appeal of a decision made by a faculty member, the Office of Student Services will have the options of:

1. Affirming the faculty member's decision without the need for a hearing if the appeal is judged to be frivolous or without merit; or
2. Referring the matter to HU's Academic Dishonesty Appeal Committee to hear the appeal.

In either case, the Office of Student Services shall send a written notification to the respondent.

C. Referral to the Academic Dishonesty Appeal Committee

If the appeal is referred, the Academic Dishonesty Appeal Committee (committee) shall render a final decision on the matter. The members of the committee shall be composed of two faculty members and one student. The student must be in good academic standing and trained by an HU staff member on relevant issues of confidentiality. A representative of the Office of Student Services will structure the committee and handle communications but will not participate in the determination. All documentation, including the written determination and relevant information from the respondent's conduct file shall be made available to members of the Academic Dishonesty Appeal Committee.

The Procedures for the operation of the Academic Dishonesty Appeal Committee shall be as follows.

1. The committee shall ensure that the respondent receives advanced written notification of the date, time, and location of the scheduled proceeding. Notice will be by email delivered to a respondent's HU email. The Notice shall contain the rights and responsibilities of the respondent or a link where that information is located.
2. The Notice shall inform the respondent of the ability to present a defense through written memoranda, oral presentations, and witnesses. The committee shall consider all requests for witnesses and shall invite only those that it deems relevant to the investigation-to appear before the committee.
3. Copies of all written material that are intended to be submitted for purposes of the appeal shall be provided to the committee at least twenty-four hours prior to the hearing. The Notice shall inform the respondent of who should be the recipient of these materials and in what medium the materials should be submitted.
4. No persons other than the committee, the respondent, or any witnesses that the committee judges to be relevant, shall be admitted to any meeting of the committee. Legal Counsel for the respondent shall not be admitted at any of the meetings of the appeal committee. To ensure the integrity of the appeal process, witnesses, other than the respondent, may only be present in the proceeding when providing their statements and must leave thereafter unless otherwise instructed.
5. A respondent may be accompanied by one advisor. The role of the advisor is limited to support and consultation; the advisor may not speak during any *Academic Code* appeal proceeding except privately to the respondent, nor shall the advisor question or address witnesses, or the committee. Violation of this expectation will result in the advisor being removed from the proceeding at the discretion of the committee. Because of the limited role of an advisor, and HU's interest to expeditiously conclude the matter, a proceeding will not normally be delayed if an advisor is unavailable.
6. During the proceeding, the respondent shall have the opportunity to present and respond to the information of the alleged *Academic Code* violation.

7. Prior academic infractions may not be considered during the proceeding unless the conduct was founded, the appeal period of the prior violation has expired, and/or the records act as evidence supporting a pattern of behavior.
8. Information or testimony that does not directly relate to the *Academic Code* violation, but instead reflects upon the character, reputation, personality, qualities or habits of the respondent should not be presented and, if offered, may be excluded.
9. A respondent who fails to appear at a scheduled proceeding without good cause (e.g. documented serious illness), after receiving proper notice, may be adjudicated in absentia unless it is for lack of proper notice, as defined by this *Academic Code*. Should a respondent fail to appear and not provide good cause for failing to do so, a determination will be made by HU based solely on information available or information presented during the proceeding.
10. Findings must be supported by a preponderance of evidence. Preponderance of evidence means that a greater weight of evidence supports the conclusion that a fact is true, or to establish that an event occurred. A preponderance of the evidence does not necessarily mean the greater *amount* of evidence, but rather the greater quality of evidence, making it more likely than not the matter in question is true.
11. A respondent may be found responsible for any prohibited conduct (including sections of the *Academic Code* for which he or she was not originally charged) when previously unknown behaviors are discovered during the proceeding or if it is determined that a different section of the *Academic Code* more appropriately addresses the conduct in question and if the respondent has been appropriately notified of the charges and given the opportunity to respond.
12. The Appeal Committee shall issue a decision, which will be communicated in writing promptly to the respondent and the Faculty Member. That decision will:
 - i. Affirm the determination of academic dishonesty and the imposed sanction;
or
 - ii. Affirm the determination of academic dishonesty, but modify the imposed sanction; or
 - iii. Reject the determination of academic dishonesty and set aside any sanction.
13. A brief statement of the reasons for the Appeal Committee's decision is to be sent to the AVP of Student Services, and a copy of that statement will be retained as part of the record of the hearing. The respondent's conduct record will be entered or modified as necessary.

The appeal decision of the Appeal Committee is final.

Student Academic Conduct Files and Record Retention

The files of respondents found responsible for any prohibited conduct will normally be retained as a student conduct record in the Office of Student Services, under the authority of the Provost. HU officials with a legitimate educational interest may use the record as a reference; however, the record will be retained for no more than five calendar years from the respondent's separation date from HU.

CHAPTER 3. 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.

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 Human Resources, Director and the AVP 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:

SMV¹⁰.A - Dating/Domestic Violence¹¹

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.

¹⁰SMV represents Sexual Misconduct Violation within the Student Code of Conduct

¹¹ 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.

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;
- 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 Harassment¹²

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 Assault¹³

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.

¹² 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.

¹³ 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 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.
- 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;¹⁴
 - 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;
 - E-mail, texting ("sexting") and internet use that violates this Policy; or

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.

¹⁴ Breast feeding a child is not indecent and does not constitute sexual misconduct.

SMV D - Sexual Harassment¹⁵

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. 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;

¹⁵ 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.

SMV.E - Stalking¹⁶

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;
- 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.

¹⁶ Conduct that meets this definition will be processed as *TLXV.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.

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

Director of Compliance

Position vacant at time of publication; contact

Deputy Coordinator

Physical Address:

255 Market Street, Room 228
Harrisburg PA 17101

Mailing Address:

326 Market Street
Harrisburg, PA 17101
(717) 901-5100 x1769

titleixreport@harrisburgu.edu

Deputy Title IX Coordinator for Students

Melissa Morgan, AVP 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, Human Resources, Director

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)¹⁷;
- 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

¹⁷ Prior allegations of sexual misconduct can only be considered if the investigation determined that the allegations were founded.

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 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)
Student Assistance Program by BHS
<https://portal.bhsonline.com/>
Username: HarrisburgU
1-800-327-2252
Available 24/7

For Employees (non-student employees)
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

<https://www.pinnaclehealth.org/our-services/womens-health/our-programs/>

*Accessible through emergency room

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 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 Recommendations¹⁸

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.

¹⁸ 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.

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 Misconduct¹⁹

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.

Participation in Process²⁰

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.

¹⁹ 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.

²⁰ 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.

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.

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 Informal 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 AVP 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 violation²¹ 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.
- **Voluntary and Informal Resolution**

Title IX Complaint Resolution Procedure²²

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.

²¹ 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*.

²² 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*.

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, 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.

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) may consider any documentation, statement, or testimony captured from the investigatory process 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 are²³:

- 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

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.

²³ Listed sanctions may not be applicable to all respondents. The list includes potential sanctions applicable to HU employees and students.

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.

CHAPTER 4. HOUSING GUIDELINES

Introduction

Residents in HU-affiliated housing facilities have individual, as well as group rights, while engaged in activities that are part of university life. However, these rights come with reciprocal responsibilities that must ensure these same rights for other HU students.

The Office of Student Services educates residents regarding their community rights and responsibilities and uses them as a guide in making decisions concerning resident welfare and behavior.

Rights and Responsibilities

The following defines minimal expectations regarding the rights and responsibilities of students who reside in HU-affiliated housing.

Residents' Rights

Students who reside in HU-affiliated housing facilities have the following rights:

- to have reasonable access to their living accommodations based on a published schedule of occupancy;
- to live in a clean and secure environment;
- to access facilities and programs that support the pursuit of academic success;
- to expect a regionally competitive price on housing accommodations;
- to have access to written copies of HU-affiliated housing rules that govern individual and group behavior;
- to have respect and safety for their personal property;
- to study without interruption or interference;
- to be free from unreasonable noise;
- to be free of intimidation or harassment;
- to express themselves freely within established guidelines;
- to expect enforcement of housing agreement/lease;
- to have direct access to HU staff who aid, guide, and support as needed.
- to host guests, within established guidelines;
- to receive equitable treatment when behavior is in question;
- to enjoy individual freedoms regardless of race, ethnicity, sex, national origin, disability, age, religion, sexual orientation, or political affiliation; and
- to have access to individual and group social, educational, and developmental opportunities in their living community.

Residents' Responsibilities

Students who reside in HU-affiliated housing facilities have the following reciprocal responsibilities:

- to adhere to all laws, rules, policies, and procedures;
- to comply with reasonable requests made by HU staff, officials, fellow residents, or the facility management team;
- to meet payment schedules for room charges and other housing fees;
- to monitor and accept responsibility for the behavior of their guests;
- to report violations of all laws, rules, policies, and procedures to appropriate staff.
- to respect the rights of others as stated above;
- to respect the diverse backgrounds and interests of others who are different from them.
- to treat others with civility and manage conflict in a mature manner;
- to be serious in their academic pursuits;
- to participate actively in self-governance;
- to participate in housing committees when requested;
- to express themselves individually or by association with groups;
- to contribute positively to the community by participating in educational and developmental activities; and
- to permit immediate access to their room when a HU official reasonably believes there to be an emergency or imminent life, health, safety, or disturbance issue that requires prompt attention.

Student Housing Staff

Associate Director of Student Life

The Associate Director of Student Life (AD) oversees HU-affiliated housing and residence life. The AD manages the housing and residence life staff and all HU housing affiliations, sets student housing policy, and provides leadership for residence life initiatives. On authority from the AVP of Student Services, the AD oversees the housing standards policy and proceedings. Alongside managing campus housing, the AD and his team also manages campus activities, student clubs, and events, helping to provide students a unique outside the classroom experience. The AD can be contacted for any housing concerns and questions.

Residence Life Coordinators

Residence Life Coordinators (RLC) live in HU-affiliated housing and work to foster a community through policy enforcement, educational and social program development, leadership development, and implementing administrative procedures. Residents may contact the RLCs to obtain information and assistance to resolve roommate disputes, facility concerns, or other housing related matters. For resolving complaints of a suspicious, threatening, or dangerous nature, please notify the housing staff and, if directed, call 911. RLCs also work with the AD to manage campus

activities, student clubs, and events, helping to provide students a unique outside the classroom experience.

Residence Assistants

Resident Assistants (RAs) are student staff members that report directly to HU's RLCs. These student leaders serve as a direct resource for students in HU-affiliated housing. RAs reside on campus and act as the primary contact for students if they have any housing concerns or need help. RAs maintain daily rounds of campus housing facilities and have nightly desk hours and mail duty, which are from 9PM-12AM daily. There may be additional desk hours during special occasions.

Section I: Housing Standards Policies & Procedures

Introduction

Residents²⁴ are part of a community of diverse individuals. When students assume their responsibilities as members of the residential community, everyone benefits.

To ensure that residents can exercise their rights as individuals without infringing on the rights of others, basic policies and procedures have been established to facilitate mutual respect and consideration among community members. Each person's cooperation is essential to maintain an environment of mutual respect and support. Consequently, to maintain a safe environment for all resident students, housing staff have the right to address any student and enter any suite with reasonable suspicion of a policy violation.

Applicability

- A. The *Housing Standards* apply to conduct by an individual or group:
 - 1. If the individual or group resides in HU affiliated campus housing;
 - 2. If the individual is a student of HU and a guest of any resident of HU affiliated campus housing, even if the student does not live in campus affiliated housing; or
 - 3. If the individual is a guest of a resident of campus affiliated housing but is not an HU student, in which case, the resident may be processed in accordance within the established process.
- B. Residents must abide by federal, state, and local laws. In order to establish the rights, privileges, and limitations of individual residents, and to assure successful financial operation, students are also obligated to follow (1) this handbook that operates as a master policy and (2) their lease agreement. Residents must accept these standards as part of their agreement to live in HU affiliated housing.

²⁴ The terms student and resident are used interchangeably.

- C. Residents must show basic respect for, and cooperate with, all individuals in their community. Successful group living can be achieved only through the cooperative effort of each resident. Residents must be aware of their rights and privileges and equally aware of the rights and privileges of others. Residents should expect that their rights will be respected, and in a similar manner, residents must avoid infringing on the rights of others.
- D. Residents should be mindful of personal safety. Neglecting personal safety can, and often will, have an impact on other residents and staff. Each resident is a part of a larger community. Residents are advised to be mindful of the implications of their personal choices on that community because they will be held accountable through the disciplinary process outlined in this handbook if they fail to make safe personal choices.

Authority

- A. HU's Provost/Vice President of Academic Affairs (Provost) has final authority over any student conduct issue and may take immediate and/or interim action at her/his discretion for any violation of HU's policies or procedures. Action taken by the Provost, unless otherwise indicated, is final.
- B. In most circumstances, authority of *Housing Standards* matters has been delegated by the Provost to the AVP of Student Services (Director), who will exercise it consistent with these procedures. Often, the AD will oversee *Housing Standards* proceedings.
- C. The Office of Student Services, with direction and guidance from the Provost, is responsible for administering the *Housing Standards* and ensuring that all *Housing Standards* proceedings are carried out in accordance with HU policies and procedures.

Housing Standards Violations

The following is a partial list of activities, which, under current guidelines, are considered by HU to be Housing Standards Violations that will result in disciplinary action. Violations of the Student Code of Conduct will be addressed through the policy in Chapter 1. Students are expected to follow all policies and standards as listed here, as well as in the Student Housing Lease and any other applicable HU policy. Residents are also required to abide by all federal, state, and local laws.

The following conduct is prohibited in HU-affiliated housing and will result in disciplinary action. If a behavior is not defined, reference the definition provided in the Student Code of Conduct. In certain circumstances and when warranted, prohibited conduct may also be reported to law enforcement:

HSV.A - Fire Safety

HSV.A.1 - Possession of hazardous items

HSV.B - Residence Hall Property Misuse

HSV.B.1 - Moving and/or damage of residence hall property

HSV.B.2 - Theft of residence hall property

HSV.B.3 - Damage to any part of residence hall facilities – including common spaces and residential rooms

HSV.C - Improper Access to Student Housing

HSV.C.1 - Improper use of, or tampering with, windows, emergency exits, and/or exterior doors

HSV.C.2 - Tampering with locking mechanisms

HSV.C.3 - Trespassing into unauthorized areas for students (i.e. closets, rooftop, offices, empty rooms, etc.)

HSV.C.4 - Trespassing into other student rooms – including improper use of apartment doors (i.e. ding-dong ditching)

HSV.C.5 - Trespassing into student housing

HSV.C.6 - Hosting of banned individuals

HSV.C.7 - Improper use of guest policy

HSV.C.8 - Guests and/or hosts creating an unsafe environment for the community

HSV.D - Sporting Activities on Residential Property

HSV.D.1 - Participating in unauthorized sports

HSV.D.2 - Skateboarding, hoverboarding, biking, roller-skating, scootering, office chair rolling, Segway riding, or other forms of related hazardous behavior in residential property

HSV.E - Misuse of Keys/ID

HSV.E.1 - Key/ID duplication

HSV.E.2 - Key/ID sharing misuse

HSV.E.3 - Key/ID theft

HSV.F - Noise Violation

HSV.F.1 - Possession of amplified instrument

HSV.F.2 - Quiet Hours violation

HSV.F.3 - Excessive noise causing disruption to the surrounding community

HSV.G - Smoking/Vaping: Smoking and/or vaping on residential property

HSV.H - Trash: Improper disposal of trash in unauthorized areas

HSV.I - Unauthorized Distribution of Information

HSV.J - Unauthorized Animals

HSV.J.1 - Housing or hosting an unapproved animal on residential property

HSV.K - Unauthorized Storage

HSV.K.1 - Bikes, mopeds, and motorcycles
HSV.K.2 - Road and related signage
HSV.K.3 - Personal property in public areas
HSV.L - Violation of Roommate Agreement
HSV.M - Not Reporting Damages
HSV.N - Non-compliance with Housing Staff
HSV.O - Community Disturbance

The Housing Standards Process

The Housing Standards Process is independent, functioning collaboratively alongside the larger HU conduct process which are the Code of Conduct and the Sexual Misconduct Policy. A student may be charged with a violation of Housing Standards, Code of Conduct, and/or Sexual Misconduct Policy, within the housing facility. Lastly, some violations may also be referred to law enforcement at the sole discretion of HU.

Housing Standards Violations System & Procedures

These guidelines provide a general notice of rights and responsibilities during the Housing Standards Violations process. This Housing Standards Violations guide, as defined by the rights and responsibilities of residents as contained in this chapter, does not, nor is it intended to, afford the specificity or the due process rights of criminal or civil statutes or procedures.

A. Case Referrals

1. Any person may refer a student suspected of violating Housing Standards to Residence Life staff. The referral will be reviewed for the appropriate student conduct or administrative action to be taken consistent with this Housing Handbook, Code of Conduct and other relevant policies including if there is insufficient evidence.
2. When possible, referrals should be made within a reasonable timeframe after the alleged incident (or after the latest alleged incident in cases of harassment or where there is a succession of documented incidents). Student conduct action may be pursued after considering the amount of time that has passed since the alleged incident and whether there is enough information available to substantiate the reported behavior.
3. Administrative action or reporting to law enforcement, in lieu of formal student conduct action, may be taken at the discretion of staff, in an appropriate, consistent, and reasonable manner, to address student behavior.

B. Student Conduct Proceedings for Housing Standards Violations

1. A student who is potentially subject to formal sanctions from the alleged violation of the Housing Standards is entitled to a conference, which will normally consist of an informal meeting between the student responding to allegations (respondent) and an administrator from HU's Office of Student Services.
2. Allegations of violations will be resolved under the procedures contained in the Code of Conduct contained within this Student Handbook. Any student subject to eviction from residence, suspension, or expulsion from HU is entitled to a hearing, which will normally consist of a formal meeting between the respondent and the AVP of Student Services or the AVP of Student Services' Designee.
3. Allegations of sexual misconduct will be resolved under the procedures set forth in the Sexual Misconduct Policy that is also contained within this handbook.
4. A student who accepts responsibility for violations of the Housing Standards (prior to the student conduct hearing) may meet with the AVP of Student Services or AVP of Student Services' Designee to determine an appropriate sanction(s), in lieu of attending a hearing. This acceptance must be in writing, affirming acceptance of responsibility for the charge(s), and acknowledging that the full range of sanctions may be imposed.

C. Guidelines for Student Conduct Proceedings in Housing

The following procedural guidelines are applicable to student housing conduct proceedings. Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in student conduct proceedings. Deviations from prescribed procedures shall not necessarily invalidate a decision, unless significant prejudice to an accused student, to a complainant, or to HU results. Conduct violations of the Housing Standards will be resolved under the Student Code of Conduct contained in this handbook. Cases of sexual misconduct will be resolved under the policies and procedures set forth in HU's Sexual Misconduct Policy.

The general procedures are as follows:

1. The respondent shall receive advanced written notification of the specific charges and the date, time, and location of the scheduled proceeding. Notice will most often take the form of a letter delivered to a student's HU e-mail account and/or residence.
2. The respondent may request a reasonable extension of time to prepare for the proceeding. Requests for an extension will not be granted for a period to exceed two business days except in unusual circumstances where the respondent can demonstrate the necessity for a longer delay. All requests for an extension of time should be made in writing at least one business day prior to the scheduled proceeding, except in cases of documented serious illness or emergency, and submitted to Associate Director of Student Life.

3. The respondent shall be afforded reasonable access to review the case file during the proceeding. “Case file” means the file containing those materials pursuant to the Family Educational Rights and Privacy Act (FERPA) of 1974. If additional information becomes available and is relevant, it will be discussed and reviewed at the proceeding. The notes of HU staff members and investigators are not included in the case file and thus are not accessible. Names and other information of students may also be redacted in the incident report as appropriate for confidentiality.
4. The respondent shall have the opportunity to provide additional and relevant information that is not contained within the incident report for consideration during the proceeding.
5. The respondent may provide the names of witnesses from the HU community who have relevant and material information pertaining to the incident. Character witnesses will be excluded.
6. Proceedings are closed to non-participants and to the public, including friends and HU personnel without an official interest in the case.
7. During the proceeding, the respondent shall have the opportunity to respond to the information related to the alleged violation of the Housing Standards.
8. Prior disciplinary records may not be considered during the hearing unless the conduct was founded, the appeal period has expired, and the records act as evidence supporting a pattern of behavior.
9. Information or testimony that does not directly relate to the facts at issue, but instead reflects upon the character, reputation, personality, qualities or habits of the respondent should not be presented and, if offered, may be excluded.
10. A respondent who fails to appear at a scheduled proceeding without good cause (e.g. documented serious illness), after proper notice of such a proceeding, may be adjudicated in absentia, and forfeits all rights to an appeal unless it is for lack of proper notice, as required. In such cases, decisions will be based solely on information available or information presented during the proceeding.
11. Proceeding outcomes must be supported by a preponderance of evidence. Preponderance of evidence means that a greater weight of evidence supports the conclusion that a fact is true, or to establish that an event occurred. A preponderance of the evidence does not necessarily mean the greater amount of evidence, but rather the greater quality of evidence – making it more likely than not the matter in question is true.
12. A respondent may be found responsible for any prohibited conduct (including sections of the Housing Code for which he or she was not originally charged) when behaviors that were previously unknown are discovered during the course of the student conduct proceeding or if it is determined that a different section of the Housing Code more appropriately addresses the conduct in question.

13. The outcome of the proceeding shall be conveyed to the student in writing.

Sanctions

The imposition of sanctions is based on the nature of the violation and the severity of any damage, injury, or harm resulting from it, the respondent's disciplinary record, and the rehabilitative potential of the respondent. In some cases, a sanction may be held in abeyance for a specific period. This means that should the student be found in violation of the Housing Standards during the stated period, he or she may be subject to the deferred sanction in addition to the student conduct action appropriate to the new violation.

Sanctions that may be imposed in accordance with this Housing Code include:

HSS.A- *Warning*: A verbal or written warning to the resident about the incident and the subsequent behavior that is expected. This warning will not be included in the student's disciplinary record but may be referenced in future founded allegations for sanctioning purposes.

HSS.B - *Censure*: An official written reprimand for violation of specified policy provisions

HSS.C – *Restitution*: Resident is fined a specific amount covering the repair, replacement, or other related costs associated with the specified policy violation. This sanction can be applied concurrently with other sanctions on this chart.

HSS.D - *Educational Sanctioning*: Residents are given a specific assignment or project that encourages reflection on the reasons for the policy and the causes for that resident's behavior.

HSS.E - *Disciplinary Probation*: A period in which a student is expected to demonstrate positive behavioral change and may be excluded from participation in HU privileged or extracurricular activities. Additional restrictions or conditions for behavioral changes may be imposed. Violations of the terms of student conduct probation, or any other violation of the Housing Standards during the period of disciplinary probation, may result in eviction from residence, suspension, or expulsion from HU, while on disciplinary probation, the student is not in good disciplinary standing with HU.

HSS.F *Dismissal*: Cancellation of Housing lease/contract. This is including but not limited to the duration of the dismissal. Length of time is determined during sanctioning. Students may be dismissed from housing for a semester, an academic year or indefinitely.

Appeals

The outcome of a housing conduct proceeding may be appealed subject to the following guidelines:

A. Requests for Appeal

1. A letter of appeal should be submitted to the Office of Student Services by the student within three (3) business days of receipt of the outcome of the student conduct proceeding.

2. The appeal must specify grounds that would justify consideration. General dissatisfaction with the outcome of the housing conduct proceeding or an appeal for mercy are not appropriate grounds for appeal. The written appeal must specifically address at least one of the following criteria:
 - a) Significant procedural error that changes the findings of fact of the student conduct proceeding.
 - b) New evidence that significantly alters the findings of fact, that was previously unknown to the respondent, has been discovered and is available during the appeal process.
3. One appeal is permitted.
4. A student adjudicated in absentia forfeits all rights to an appeal process unless it is proven that it is for lack of proper notice, except in an extraordinary circumstance.

B. Appeal Procedures

Upon receipt of an appeal of the decision made by the AD, the AVP of Student Services will have the option of:

1. Affirming the AD's decision without the need for information;
2. Request a meeting with the respondent and/or witness for further information prior to making a determination; and/or
3. Reverse the finding and sanctions; or
4. Keep the finding but lessen the sanctions.

The AVP of Student Services shall email a written notification to the respondent, both to schedule new meetings and to send the findings.

The imposition of sanctions of the original determination may be deferred while the appeal process is pending unless, in the discretion of the AVP of Student Services, the continued presence of the student on the campus poses a serious threat to her/himself or to others, or to the stability and continuance of normal HU functions.

Student Conduct Files and Records

The files of students found responsible for of any prohibited conduct will normally be retained as a student conduct record in the Office of Student Services, under the authority of the Provost. HU officials with a legitimate educational interest may review and use the record as a reference; however, the record will be retained for no more than five calendar years from the student's separation date from HU.

Section II: Community Living Expectations

Routine Health and Safety Inspections

Residents are to keep their suites sanitary and safe.

During each semester, the Residence Life staff and HU's affiliated housing staff will enter suites for health and safety inspections. Residents are notified of these inspections at least one week in advance. Inspections are for unsanitary conditions (accumulated trash and food or cleanliness of bath) and fire safety violations.

If a suite does not meet health and safety specifications, residents have one week to correct the situation before another inspection. If the situation is not corrected, residents are subject to HU's disciplinary process. In the event of an emergency or other safety, security, and health reasons, HU staff and affiliated housing staff, are permitted to approve non-routine or spot room safety checks.

Lease Agreement and Financial Obligations

Housing Lease Terms

The Student Housing Lease (lease) is a legal document representing an agreement between the student and HU or HU's affiliated housing entities. Student Housing Leases are not transferable. Assignment of the housing contract or subleasing it to another party is not permitted. This section contains key terms of a typical lease, when and if the lease can be changed, special procedures for lease renewal, and housing during vacation periods. Students are responsible for knowing the contents of their entire lease.

Eligibility for Occupancy

All residents of HU-affiliated student housing agree to abide by all applicable housing rules as a condition of occupying housing. This includes being bound by all policies contained within the Student Handbook, academic catalog, and leasing terms. Please read these publications. Students are responsible for knowing and abiding by their contents.

- Only undergraduate students are permitted to live in HU-affiliated housing
- Graduate students are not permitted to live in campus housing
- Transfer and non-traditional students are admitted into housing on a case-by-case basis
- As a resource for students, residence life staff maintains a list of off-campus and non-HU affiliated housing on MyHU. HU is not responsible for housing agreements between students and housing providers on this list.

Withdrawal from HU and Lease Agreement

A student's withdrawal from HU does not automatically terminate a housing lease. Charges continue to accumulate until a student has:

- signed the appropriate cancellation form;
- removed all belongings from the suite;
- returned room keys; and
- completed the checkout process with an RLC.

Students should review their lease for specific charges related to cancellation of the Student Housing Lease.

Failure to Vacate

Residents are responsible for their personal property at all times. When residents have not vacated their room/suite as scheduled (internal transfers, dismissals, the end of a lease period, or the early termination of a lease) and have not removed their personal property, an RLC will make a reasonable attempt to contact the residents.

Residents who have not vacated as scheduled, at the end of a lease period, or its early termination, will be charged for each day they remain. If after 48 hours the resident has not vacated, personal property will be removed and stored at the resident's expense if arrangements are made. If no arrangements are made, these items are considered abandoned and will be disposed of by housing staff.

Residents will be billed \$20.00 an hour per employee involved in the removal of their personal property (\$50.00 minimum), and a monthly storage fee may be assessed. Personal property removed by RLCs will be stored for 30 days. After 30 days, items are considered abandoned and donated to charity or discarded at HU's sole discretion. HU is not liable for damage to, or loss of, a student's personal property that might occur during removal or disposal. Residents are billed for all costs incurred in removing personal property and restoration of the suite to usable space.

Requesting a Change in Your Suite Assignment

Room changes are done as a last resort in most situations. Roommate Mediation is always prioritized to ensure all roommates have an equal opportunity to adjust their behavior and get along with each other. Residents who wish to change to another suite must meet with an RLC and explain the reason(s) why the current suite assignment is unsuitable. If space is available, the RLC has the discretion to move the student that requested a suite change. If a suite change is approved, and a student does not move (including checking out of a current suite) within the timeframe, a student may be charged for both spaces. All room changes MUST go through a mandatory roommate mediation process. This mediation is to ensure that all parties understand the reason for the suite change to mitigate any ill feelings or concerns.

Roommate Conflict and Mediation

In the event of a disagreement between roommates that does not violate any conduct policies, all roommates must collectively meet with an RA to discuss the issue. If a resolution is not achieved

through the efforts of an RA, the roommates will then meet with an RLC. If the situation remains unresolved, the roommates will meet with the RLC they previously met with and the AD.

Resident conflicts must be attempted to be resolved. Residents are expected to resolve disputes in a cooperative manner. Fights will not be tolerated in any facility and may be processed through the conduct system. Residents are encouraged to seek staff assistance to mediate disputes when necessary.

If a situation can only be resolved by moving a student to a new space, the AD and RLCs will offer a new housing assignment to the person who initiated the roommate mediation and grievance. The Office of Student Life will support the students any way they can during this transition. There are very few situations where a move can or will occur without mediation, but in such circumstances, the decision is at the sole discretion of the AD and RLCs.

Vacancies and Consolidation

HU has the right to assign, reassign, and adjust the occupancy of rooms. If a vacancy occurs in a resident's room, the resident may receive a consolidation notice detailing the following options:

- Retain the room as a single unless the space is needed to solve an occupancy overage.
- Consolidate by moving to another partially occupied room on campus.
- Remain in the room with the understanding that the vacant space will be assigned as soon as a new student lease or a current resident indicates an interest in moving to that vacant space. The room should be prepared to receive a roommate at any time.

Lease Payments

Residents receive bills from their lease provider. This may be HU or HU's affiliate. Payment options are outlined in the lease terms. Late fees and finance charges are assessed according to the lease terms.

Lease Renewal

Residence leases are for one academic year only. Early in the spring semester, residents may reserve space for the next academic year, as spaces becoming available.

Cancellation of Lease

Housing leases are for the academic year. Cancellation after the start of the academic year is permitted under the following circumstances:

- Loss of student status, withdrawal or dismissal from housing property or from HU, or failure to enroll or re-enroll. Students are required to vacate the residence and to cease using residential facilities upon withdrawing from HU. A student remaining in the facility after the official date of withdrawal from HU must pay for all charges incurred after this date. Federal or state student financial aid cannot be used to pay these charges;
- Completion of graduation requirements during the term of the lease; or
- Unusual and compelling circumstances which, in the judgment of the RLCs, entitles the resident to special consideration.

Residents seeking a lease cancellation must submit their request to the RLCs. A detailed, written explanation and documentation are required.

Vacation Periods

Over vacation periods (fall break and spring break), all resident rooms (guest and permanent rooms) are entered as a safety measure to ensure that closing procedures were followed. Residence life staff will process policy violations in plain view and reserves the right to remove or remediate any hazardous or dangerous items or conditions. Dangerous or hazardous items will not be retained. These violations will be resolved through the conduct or housing standards process upon the resident's return.

The right to stay in HU-affiliated housing when HU is out of session, such as during fall and spring breaks, Thanksgiving, and winter break, is a privilege. HU reserves the right to withhold that privilege in its sole discretion. Residence life staff will notify students if they are required to leave HU housing during break periods especially since limited housing staff are available. Basic housing functions must be suspended or limited during these times.

Care of University Property

The resident is responsible for keeping HU owned equipment and furnishings in good condition. HU encourages residents to carry personal property and liability insurance. HU assumes no responsibility for loss, damage, or injury to people or property in HU-affiliated housing.

Damage

Students are financially responsible for any damages, lost property, additional services, or repairs to their rooms caused by accident, neglect, or intent. When more than one resident occupies the same suite and responsibility for damage or loss in the suite cannot be determined by an RLC, costs will be assessed and divided equally among the suite's residents.

Each resident must complete an inventory form upon checking into the suite. This form will record in detail the condition of the housing unit at check-in time. Residents also are liable for all damages caused by a guest during a visit by a guest.

Insurance

All residents are encouraged to have a renter's insurance policy. Some homeowners' policies may provide coverage for a student's belongings while away at school. Students are encouraged to discuss insurance coverage with parents and/or guardians.

Safety and Security

Safety and security are everyone's responsibility. Armed officers from the Harrisburg Police Department conduct rounds of the campus and are authorized to enter any HU student affiliated housing facility when a violation of law occurs. The Harrisburg Police Department can be reached at 911 for emergencies and (717) 558-6900 for non-emergencies. If you become aware of a crime,

observe a suspicious person, or are a victim yourself, promptly report all emergencies to housing staff and the police. A resident is subject to arrest and prosecution for a violation of law.

Students living in HU-affiliated housing have access to an on-call number for housing questions and emergencies. This number is posted on each floor by the elevator and stairwell as well as located in the lobby of each facility.

Emergency Procedures

In the event of a fire, medical, or other emergency, or if you need the police or ambulance, ensure you are in a safe location and then dial 911. Then call the housing on-call number. Maintenance emergencies should be reported to a staff member immediately, including broken pipes, water leaks, flooded toilets, broken windows, broken heaters, and electrical short-circuits.

a. Fire emergency Evacuation

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

First feel your door from top to bottom (follow this procedure for all closed doors you encounter).

If the door feels cool:

- Crouch low and open door slowly. Close door quickly if heavy smoke or fire is present.
- If visibility permits, take your key and close your door.
- Leave the building by the stairways. Stay as low as possible if smoky conditions exist (crawl if necessary).
- If you encounter heavy smoke in a stairwell, go back and use another set of stairs.
- Never use the elevator during a fire alarm. You may become trapped.
- Return to the building only when officials tell you it is safe.

If the door feels hot:

- Do not open the door.
- If possible, call 911 and report your situation and location. Stay off the phone after calling 911 as fire officials may try to reach you.
- Wedge wet towels or clothing under and against the bottom of the door 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 the window on the sheet if necessary, to keep smoke from entering in through the window.
- Stay low until help arrives.

b. Reporting a Fire

- In the event of a fire, you 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, and stay clear of the building, cross the street until emergency personnel say it is safe to re-enter the building.

c. Smoke Detectors/Fire Safety Equipment

A smoke detector is provided in every suite and is operated electrically. Individual unit smoke detectors will activate the general building alarms. Do not test or tamper with smoke detectors. Smoke detector problems should be reported immediately.

Tampering with fire safety equipment or purposely activating a false alarm violates state and local laws. Either can be considered cause for a resident's removal. Smoke alarms and sprinkler heads are considered fire safety equipment and should not be tampered with. A fire extinguisher that has been tampered with or unnecessarily discharged will result in disciplinary action; sanctions include possible removal from student housing and clean-up charges.

d. Designated Emergency Assembly Areas

In the event of an emergency requiring a building's evacuation including but not limited to fire, those in the following buildings should assemble in the designated emergency evacuation area unless otherwise directed:

- HU Academic Building (326 Market): Lawn of The Forum and Finance Buildings to the rear of 326 Market (Fourth and Walnut Street)
- 225 Market Building: The lawn of the Harrisburg Train Station (Fourth and Market)
- Career Center in Strawberry Square: The lawn of the Harrisburg Train Station (Fourth and Market)
- Residences on Market: The lawn of the Harrisburg Train Station (Fourth and Market)
- Whitaker Center: Lawn of The Forum and Finance Buildings to the rear of 326 Market (Fourth and Walnut Street)
- International House: The lawn of the Harrisburg Train Station (Fourth and Market)
- Market View Place: The lawn of the Harrisburg Train Station (Fourth and Market)
- Esports Housing, 28 South Dewberry: The lawn of the Harrisburg Train Station (Fourth and Market)
- Blackberry: The lawn of the Harrisburg Train Station (Fourth and Market)
- Steelton-Highspire Aquaponics Research Facilities: The parking area in the front of the high school.
- PA Place: The lawn of the Harrisburg Train Station (Fourth and Market)

Emergency Notification System

HU's emergency notification system alerts subscribers of important safety and security information. All students are encouraged to subscribe to this service through <https://ithelp.harrisburgu.edu/support/solutions/articles/44001699794-emergency-alerts-omnilert>

Missing Student Notification

If anyone has a reason to believe that a student residing in campus-affiliated housing is missing, they should immediately report it to HU residential life staff, including AD, RLCs, and RAs, or contact HU Campus Security at 717-901-5180. If HU determines that a student is missing, it will notify the Harrisburg Police Department or other local law enforcement agencies, regardless of whether the student has identified a missing person. HU will also notify the AVP of Student Services or a designee. The AVP 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 AVP of Student Services will immediately notify the student's parent or guardian in addition to his or her designated contact.

The HU Philadelphia location does not have student housing facilities

Expectations and Responsibilities of Residents

Guests/Visitation

Guests are a privilege for residents living in HU-affiliated housing. All housing is subject to a 72-hour visitation limit. The Guest Sign-In Link can be located on MyHU (Housing Page)

ALL guests of resident in HU affiliated housing **MUST** register with HU before entering the property. **ONLY** residents and HU staff have access to housing property with the use of their IDs. Any guests of residents, including but not limited to, boyfriends, girlfriends, significant others, parents, siblings, family members, non-resident friends, and non-resident students, **MUST** be registered before visiting. This applies to visits of **ANY** length and is not limited to overnight visits.

It is the responsibility of the 'host resident' to register their guest(s). All guests remain the responsibility of their host resident.

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Individuals on housing property that are not registered or claimed as a guest by any host resident may be directed by HU staff, facility management staff, or security staff, to vacate the property. HU staff, facility management staff, and security staff have the right to ask ANY individual on housing property to see valid credentials (ID) to confirm they are registered guests, and to determine their eligibility to remain on Housing property.

Failure to comply with guest registration rules can result in fines and/or disciplinary actions to host resident and guests. Guests in violation of HU policy could be restricted or banned from entering housing property and reported to the police.

Residents should consider the following when inviting guests:

- Having guests is a privilege. The resident is always responsible for any guest(s) and ensuring that their guest's conduct is appropriate, not disruptive to the community, or disrespectful to the rights of any other resident.
- When in conflict, a resident's right to privacy prevails over a resident's right for guests.
- Guests must be escorted by the resident host. Only a resident of the community can serve as the host.
- Guests are expected to abide by federal, state, and local laws, as well as all HU policies. Guests who violate any laws, HU policies, or are disruptive to the community may be asked to leave by a student housing staff member. Residents will be held responsible for the actions of their guests.
- A resident may host a guest in his or her room or suite with prior express consent of all roommates.
- Only leased residents assigned to a specific suite may live there.
- Co-habitation is strictly prohibited. A guest may not stay more than three consecutive nights in any suite without prior approval from an RLC.
- Guests may not sleep in any public area of the facility.
- Guest privileges may be restricted or revoked by the RLCs for residents who do not abide by these principles.

Quiet Hours Policy

Quiet hours must be observed from 11:00 p.m. to 9:00 a.m. daily, including weekends. Additional quiet hours may be established by a floor. In order to provide optimal living conditions, there is a 24-hour quiet consideration policy. Noise should be kept at a level that does not infringe on other residents' rights. Residents are expected to respect this if approached by another student or staff. If a resident is too loud and is unresponsive to a request to lower noise, the student should contact a Resident Life staff member. A general guideline is that if noise can be heard outside a room or suite, it is probably too loud. During final examinations, a 24-hour quiet hours policy is in effect. Residents or guests who violate this policy may be asked to vacate the space immediately. Chronic violations by a resident may result in permanent removal from the housing facility.

Security

Propping doors open, blocking fire exits or fire exit signage, or obstructing hallways threaten the security of all residents. Exterior doors should never be propped open. Guests should always be escorted. Security and visitation policies should be followed. Security concerns should be reported to student housing staff immediately.

Room Entry/Search

Residents have a right to privacy and are protected against unreasonable searches of their rooms. Student housing staff may enter a resident's room or suite without notice in emergencies where imminent danger to life, safety, health, or property is reasonably feared for the resident or the general community. Residents who submit a maintenance request have invited staff to enter their residences to perform requested maintenance. To maintain an environment that facilitates academic success of other residents, staff also will enter a room to turn off an alarm, stereo, television, or other item left unattended that is causing a disturbance. Before entering a room, staff will attempt to locate the residents.

Lost and Found

Items turned into Student Life staff will be held for 30 days. Unclaimed items will be donated to charity or discarded at HU's sole discretion.

Lost Keys and Lock Outs

If a student loses a key, the student should immediately inform a staff member so that the room can be secured including the filing of a work order to request new keys. Lost keys will result in a lock change and associated costs.

If a student is locked out of room, the student should notify Residence Life staff. There are RAs on duty daily that can assist with reentering a room with proper identification.

Improper Check-out or Room Change

Residents must follow check-in and checkout procedures. Room changes must be requested and approved by Resident Life staff. To properly check out of your suite, schedule an appointment with an RLC, remove your belongings, clean the space, attend the checkout appointment, and turn in your key. Failure to follow these procedures will result in charges as explained in this chapter of the handbook.

Pets

Pets are prohibited. Excluding those service/support animals that are legally required, only fish in aquariums are permitted as pets but restricted to a maximum 25-gallon tank. All other animals, birds, reptiles, and amphibians are prohibited.

Meningitis

Students are required to provide proof of meningitis vaccines prior to moving in, as directed by the Office of Records and Registration. If a student wishes not to receive the vaccine, they must sign a waiver provided by the Office of records and Registration to be allowed to move in.

NO student who fails to either sign a waiver or provide proof will be allowed to occupy HU affiliated housing.

Smoking

Smoking is prohibited. This includes use of any tobacco product including but not limited to the activities of lit cigarettes, pipes, cigars, chewing tobacco, and vape or electronic cigarettes. HU is a smoke free facility.

Indoor Sports

Indoor sporting activities is prohibited. Residents and their guests may not engage in any sports or sports-related activities within rooms, suites, lounges, stairwells, or other public areas. The act of playing sports or sport-related activities in a confined area such as those listed above can lead to injury or damage to personal or HU property.

Storage

Storage of personal property in a public area of a building is prohibited. No personal property is to be stored outside the residential unit, in stairwells, or common areas outside of the residential unit without staff approval. Items stored in public locations will be periodically removed by the staff and discarded at their sole discretion.

Trash Management

Trash disposal in an unauthorized location is prohibited. Dumping or leaving trash in areas other than those designated for trash disposal is prohibited.

Moving Out

All residents are expected to leave their room and suite in good condition, clean, with furniture in its original place. Staff will conduct a final inspection of the space as part of the mandatory moving out procedure. You must return ALL keys to complete checkout.

The checkout process takes only a few minutes and includes turning in your keys, having your suite checked for any damages or missing items, and completing a forwarding address card. Failure to follow this procedure may result in a charge for cleaning, a bill for a lock change, or other charges.

a. Cleaning Your Room/Suite

- Before your checkout appointment, all belongings should be removed.
- Thoroughly clean the area.
 - Wipe all surfaces, including walls if needed, and sweep floor.
 - Mop floor.
 - Clean the suite bathroom including the mirror, toilet, sink, shower door, and bath with appropriate commercial cleaners.
 - Sweep the closet, wipe out drawers, and leave closet doors open.

- Remove all writing, putty, nails, decals, and tape from walls, doors, and ceiling without damaging the paint.
- Remove trash. Empty and wash trashcans. See the RLCs or refer to posted signs for the proper location for discarding large trash items. Large trash items should not be left in your room or the hallway.
- Clean and secure windows. Clean off all tape and signs from windows. Lock windows. Window blinds should be down with slats open.
- Arrange furniture. All original room furniture must be in the room and properly assembled. Return beds to original placement.
- Turn room heating and cooling unit to 72 degrees.
- Clean the hallway outside your room. All personal belongings and any trash should be removed from this area.

To avoid cleaning charges when vacating the suite, all residents should clean before moving out. Please follow the following cleaning checklist:

NOTE: For stovetops, exhaust hood, counter tops, refrigerator exterior, walls, and light fixtures, use cleansers such as Pine Sol, Glass Plus, Mr. Clean, or Fantastic. Cleaning products listed are suggestions, not endorsements. It is recommended that rubber gloves be worn for all cleaning activities.

- Kitchen
 - Oven - clean and remove grease and food stains. NOTE: Commercial cleaners such as Easy Off can be used for oven interiors. Do not use these cleaners on oven exteriors; the paint will come off.
 - Stove top – use a recommended, gentle cleaner
 - Exhaust hood - remove grease
 - Refrigerator - clean inside and outside, defrost. NOTE: Use a mixture of vinegar and water or baking soda and water for the refrigerator interior.
 - Sink area - remove stains and food particles
 - Cabinets - wipe interiors and exteriors with a gentle cleaner
 - Floors - mop, avoiding build-up on edges
 - Countertops - remove grease and stains, wash backsplash
 - Walls - remove stains and fingerprints.
- Bathroom
 - Toilet bowl, tank, seat - remove any stains and scrub thoroughly. NOTE: For the toilet, use cleaners like Lysol Toilet Bowl Cleaner.
 - Tub - scrub clean, remove residue. NOTE: Tub and tile cleaners like Soft scrub are designed for bathtubs and showers. Scrub hard to remove any residue.
 - Shower - scrub clean, remove residue, launder shower curtain

- Wall tiles - scrub clean, remove residue
- Sink area - scrub clean
- Medicine cabinets - clean inside and mirror
- Plumbing fixtures - wipe clean
- Floor - mop, avoiding build-up on edges
- Living Room, Halls & Bedrooms
 - Interiors - remove all trash and personal items
 - Floors - sweep and mop, avoiding build-up on edges. NOTE: After sweeping, use Mr. Clean, Pine Sol, or Spic & Span with a sponge mop for vinyl or tile floors.
 - Carpets - vacuum thoroughly
 - Walls - wipe clean, remove fingerprints from light switches. Note: Do not scrub too hard on walls and other painted areas.
 - Windows - wash insides of windows, dust mini-blinds. NOTE: Wash windows with Windex or vinegar-water and wipe dry with newspaper or paper towels.
 - Furniture - dust, vacuum upholstery
 - Storage closet - wipe clean, mop floor
 - Doors - wipe clean
- Suite Exterior
 - Sweep clean and remove trash from the area
 - All personal items should be removed from the suite exterior and stairwells

You will be charged for inadequate or incomplete cleaning. All general cleaning will be charged at an hourly rate.

If additional cleaning is necessary, residents will be assessed cleaning charges. Excessive soil or conditions requiring extensive cleaning time will result in increased charges. Damage charges will reflect the cost of replacement materials only; labor charges are assessed on an hourly basis. Charges will result if staff is required to do any cleaning from the above list. Charges will also result if any repairs are needed.

APPENDIX A. ANTI-HAZING POLICY

Purpose

Harrisburg University of Science and Technology (HU) does not tolerate hazing. Any student, student group, student organization, team, or other persons associated with a student organization found responsible of *hazing*, *aggravated hazing*, or *organizational hazing* under this Policy, whether occurring on or off campus, may face disciplinary action from HU, and may also face criminal charges under state law, including The Timothy J. Piazza Anti-hazing Law, 18 Pa. C.S. § 2801, et seq.

Pennsylvania law, 18 Pa. C.S. § 2808(a)(1) requires institutions to "adopt a written policy against hazing" and "adopt rules prohibiting students or other persons associated with an organization operating under the sanction of or recognized as an organization by the institution or secondary school from engaging in hazing or an offense under this chapter."

The purpose of this policy is to state HU's Anti-Hazing Policy; identify how HU will enforce this Policy; and identify resources for reporting violations of this Policy. This policy will be posted on HU's publicly accessible Internet website, be attached as an appendix to its student code of conduct and circulate to all HU organizations as required by statute.

Definitions

Aggravated Hazing

A person commits the offense of aggravated hazing if the person commits a violation of Hazing that results in serious bodily injury or death to the minor or student; and

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

Hazing

An intentional, knowing, or reckless act, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces, or forces a minor or student to do any of the items listed below:

- (1) Violate Federal or State criminal law;
- (2) Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.
- (3) Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements;

- (4) Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- (5) Endure brutality of a sexual nature;
- (6) Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

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

Organization

- (1) A recognized or unrecognized fraternity, sorority, association, corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, HU students, HU alumni, or alumni of an organization.
- (2) A national or international organization with which a fraternity or sorority or other organization as enumerated under paragraph (1) is affiliated.

Organizational Hazing

An organization commits the offence of organizational hazing if the organization intentionally, knowingly, or recklessly promotes or facilitates a violation of hazing or aggravated hazing.

Other persons associated with an organization

Any individual who assists students and organizations including but not limited to advisors, alumni, coaches, representatives of national or parent organizations, including but not limited to, its directors, trustees, or officers.

Student

An individual who attends, has applied to attend, or has been admitted to HU.

Application

This Policy applies to any acts of hazing, aggravated hazing, or organizational hazing occurring for each act conducted on or off campus.

Prohibited Acts

Hazing, aggravated hazing, and organizational hazing are each prohibited by this Policy. It shall not be a defense to these acts that the consent of the minor or student was sought or obtained or that the conduct was sanctioned or approved by an organization.

Reporting Violations

HU encourages all members of its community who believe that they have witnessed, experienced, or are aware of conduct that constitutes hazing, aggravated hazing, or organizational hazing in violation of this Policy to report the violation to Melissa Morgan, AVP of Student Services at 717-901-5149 or MMorgan@HarrisburgU.edu.

Enforcement

Any substantiated violation of this Policy shall be deemed a violation of HU's Student Code of Conduct and Pennsylvania law. All allegations of hazing, aggravated hazing, or organizational hazing will be investigated as outlined in HU's Student Code of Conduct.

Sanctions

Anyone found responsible for violating this Policy may face disciplinary action including expulsion from the University. In addition to all sanctions provided under HU's Student Code of Conduct, those found responsible for violating this policy may also face the additional sanctions of the following:

- (1) The imposition of fines;
- (2) The withholding of diplomas or transcripts pending compliance with the rules or payment of fines;
- (3) The rescission of permission for the organization to operate on campus or school property or to otherwise operate under the sanction or recognition of the institution or secondary school;
- (4) The imposition of probation, suspension, dismissal or expulsion;
- (5) The issuance of no trespassing notices to any third parties not under the control of HU;
- (6) Employee discipline up to and including termination;
- (7) Reporting of incident to law enforcement.

HU Biannual Report

HU will maintain a report of all violations of this Policy or of Federal or State laws related to hazing that are reported to HU. HU interprets violations to mean substantiated violations. HU will update the report biannually on January 1 and August 1 and will post all updated reports on its publicly accessible Internet website.

HU will maintain each report for a period of five years.

Appeal decisions will be issued as expeditiously as possible and usually within 21 days, though this may vary based on the scope of the appeal or unforeseen circumstances.

The reviewer may review the full case beyond the aspects of the case outlined in the request for appeal.

If the reviewer does not find that any of the three grounds for appeal are present in the case, the original outcome of the formal resolution will be upheld.

If the reviewer finds that any appeal ground is substantiated, the outcome may be amended, a new outcome may be issued, or the matter may be returned to the investigator for further consideration.

The outcome of an appeal is final.

APPENDIX B. POLICY STATEMENT REGARDING STUDENTS WITH DISABILITIES

The [Americans with Disabilities Act of 1990 \(ADA\)](#) is a federal anti-discrimination statute which provides civil rights protection to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. The ADA was designed to remove barriers which prevent qualified individuals with disabilities from enjoying the same opportunities that are available to persons without disabilities. Similar protections are provided by Section 504 of the Rehabilitation Act of 1973 (Section 504).

HU is committed to providing equal education opportunity and full participation for persons with disabilities. It is HU's policy that no qualified person be excluded from participating in any HU program or activity, be denied the benefits of any HU program or activity, or otherwise be subject to discrimination regarding any HU program or activity. Toward this end, and in conjunction with the ADA and Section 504, HU provides reasonable accommodations for qualified students with various types of disabilities.

Rights and Responsibilities of Students

Every student with a documented disability has the right to:

- Equal access to courses, programs, services, jobs, activities, and facilities offered at HU;
- Reasonable accommodations, academic adjustments, and/or services determined on a case-by-case basis;
- Appropriate confidentiality of all information regarding a disability and the choice to whom a disability is disclosed except as required or permitted by law;
- Dialogue with HU to arrive at an effective accommodation upon satisfactory documentation;
- Information, reasonably available in accessible formats.

Every student with a documented disability has the obligation to:

- Meet qualifications and essential standards as determined by HU for courses, programs, jobs, services, and facilities;
- Identify as an individual with a disability to the Office of Student Services (Student Services) in a timely manner when seeking an accommodation;
- When seeking accommodations, provide documentation of the disability from an appropriate professional including information about the functional limitations of the disability;

- Follow specific procedures for obtaining reasonable accommodations, academic adjustments, and/or services;
- Communicate requests for accommodations to instructors by providing a letter of identification describing the reasonable accommodations recommended by Student Services as early in the semester as possible.

Rights and Responsibilities of HU

HU has the legal right to:

- Maintain essential standards for courses, programs, services, jobs, activities, and facilities;
- Request current documentation by an appropriate professional and supplied by the student that confirms disability status and supports the need for appropriate accommodations, academic adjustments, and/or services;
- Deny a request for accommodations, academic adjustments, and/or services if documentation does not support a need for the requested service, or if the documentation is not provided in a timely manner;
- Select among equally effective accommodations, academic adjustments and/or services as judged appropriate by HU after interactively engaging with a student;
- Deny a request for an inappropriate or unreasonable accommodation, adjustment, or service including any that poses a direct threat to the health and safety of others, imposes a fundamental alteration to a course or program, or poses an undue burden on HU.

HU has the obligation to:

- Ensure that courses, programs, services, jobs, activities, and facilities, when viewed in their entirety, are offered in the most integrated and appropriate settings;
- Provide information regarding policies and procedures to students with disabilities in accessible formats upon request;
- Evaluate students based on their abilities and not their disabilities;
- Provide or arrange reasonable and appropriate accommodations, academic adjustments, and/or services for students with disabilities upon request;
- Maintain appropriate confidentiality of records and communication regarding students with disabilities, except where permitted or required by law; Inform students when requested accommodations are not available or beyond HU's ability to provide.

Documentation

In order to establish eligibility for accommodative services, Student Services requires documentation that both verifies the existence of disability and provides a rationale for reasonable accommodations. The responsibility and cost of obtaining documentation is borne by the student.

If the documentation supplied by the student is insufficient to establish disability or determine appropriate accommodations, Student Services will require the student to provide additional documentation at his/her expense.

What Are Accommodations?

Reasonable accommodations enable qualified students with disabilities to have equal opportunities by the making of adjustments or modifications to courses, programs, services, jobs, activities, or facilities. Therefore, accommodations will be determined in the spirit of removing, to the greatest extent possible, barriers to students' abilities that are created by the interaction between their disabilities and HU's environment, while maintaining essential standards for courses, programs, jobs, services, and facilities. HU is obligated to provide accommodations only to the known limitations of an otherwise qualified disabled student.

Accommodations do not require instructors to adjust evaluations of academic performance. Rather, academic accommodations enable students with disabilities to learn the material presented and instructors to fairly evaluate students' comprehension of the material. It does not eliminate or mitigate course requirements.

Student Services staff will work with otherwise qualified students with disabilities to provide their preferred accommodations. However, in the event that documentation does not support a student's request, or the request is deemed unreasonable, inappropriate, or an undue burden, Student Services will seek appropriate alternatives in consultation with the student and/or the documenting professional(s) and other appropriate professionals as released by the student.

Common Accommodations

Reasonable accommodations are determined on an individual basis and are flexible based upon individual disability needs and the campus environment. The following is a partial list of common accommodations:

- Accessible location/classroom/furniture
- Adaptive technology (e.g., magnifier, screen readers, speech to text software)
- Campus housing access/adjustments
- Priority registration
- Priority seating in classroom
- Alternative formats for text materials
- Allowance for recording devices
- Copies of overheads or lecture notes
- Extended time on exams
- Separate testing area

- Readers/scribes for exams
- Enlarged print on notes or exams
- Use of computer/assistive technology for taking exams
- Sign language/oral interpreters/CART services
- Services

Accommodations, academic adjustments and/or services are provided by HU in adequately documented cases.

Procedures for Accessing Accommodations

Students with disabilities who need accommodations and services must follow these procedures:

Step 1 – Identify Yourself to Student Services

The student identifies themselves to Student Services to receive the guidelines for documentation of a disability. At this time, Student Services can assist the student in the process of receiving appropriate accommodations.

Step 2 – Submit Your Documentation

The student provides current documentation from a licensed medical practitioner according to the written guidelines regarding the disability. Documentation should indicate that the impairment is a disability that substantially limits a major life activity.

Step 3 – Wait for Eligibility Determination:

Beginning in mid-May, all newly submitted documentation for incoming students is reviewed by Office of Disability Services (ODS) staff. If a student's documentation as submitted is insufficient, the student will receive a letter describing why and what is needed in order to determine disability status. If documentation is sufficient and determines eligibility, the student will receive a confirmation letter.

Step 4 – Let Your Needs Be Known:

It is the student's responsibility to connect with Student Services and discuss what he or she feels is needed to accommodate a disability. Typically, students make an appointment with Student Services within the first weeks of a semester. However, Student Services welcomes meeting with students over the summer if it is felt this would be helpful to the accommodation process. At this initial meeting, staff work with students to determine what accommodations are needed and reasonable within the context of the courses they are taking, and the medical documentation provided.

- Faculty notification forms are completed with the student outlining what approved accommodations the student is requesting.
- Students are to give these forms to each of their faculty and are encouraged to discuss the nature of their disability and how it impacts them.

Important Fact: Faculty are under no obligation to accommodate a student until they are supplied with a Faculty Notification Form generated through the ODS.

Step 5 – Stay in Touch!

It is expected that if a student is experiencing personal, academic, or accommodation related difficulties he or she will communicate with ODS and seek out assistance.

Documentation Policies

It is necessary for students to provide current documentation according to the written guidelines regarding any disability if accommodations are requested. The documentation must be provided on the practitioner's letterhead through mail or in person. HU does not accept scanned or emailed (or faxed) documentation.

School plans such as an Individualized Education Program (IEP) or a 504 Plan are useful but are **NOT** acceptable documentation to establish the need for accommodations.

Each documentation must be from an appropriate health practitioner and include the following:

- 1) Specific diagnosis;
- 2) Functional limitations;
- 3) Evidence to support function limitations;
- 4) Recommended accommodations; and
- 5) Recommendations for other supports, strategies or services that may benefit the individual in a higher education environment.

All files and information are confidential.

Documentation Policies Specific in Reference to the Particular Disability

Students who have a **learning disability** (such as ADHD), **pervasive developmental disorder**, or any other **specific learning disability** (such as dyslexia) are requested to have medical documentation that is current within three years. This information may be provided by *certified school psychologists, licensed psychologists, licensed clinical psychologists, and other relevantly trained professionals*.

Students who suffer with a **psychiatric disability** are requested to have documentation that is current within three years. This information may be provided by *licensed psychologists, licensed clinical psychologists, licensed professional counselor-mental health, psychiatrists and other relevantly trained medical personnel*.

Lastly, a student who may suffer a **physical impairment** (such as vision, hearing or mobility) is required to produce a form of documentation that is current within five years. This information may be provided by *licensed physicians with expertise in the area of disability (such as a neurologist, orthopedist, ophthalmologist, etc.)*

All documentation is confidential and should be submitted in person or by mailing to:

Office of Disability Services
Harrisburg University of Science and Technology
326 Market Street
Harrisburg, PA 17101

If you have questions regarding our documentation policy and guidelines, email Student Services at ada@HarrisburgU.edu.

Differences between Accommodations in High School and College

- In **HIGH SCHOOL**, accommodations are focused on creation of an Individualized Education Plan (IEP) that will help the student participate in the general curriculum as much as possible. In **COLLEGE**, the focus is on outlining accommodations without regard to goals or progress.
- In **HIGH SCHOOL**, accommodations are initiated by the administration. In **COLLEGE**, the student is responsible for meeting with student services and with instructors to discuss their needs and concerns.
- In **COLLEGE**, faculty are **NOT** required nor encouraged to fundamentally alter the content or goals of their courses or the material that is being tested, though they may be required to make changes that do not affect essential content or goals or the form of testing.
- In **COLLEGE**, faculty receive a brief summary of a student's disability in an accommodation letter but are not given access to specific diagnostic data unless provided by the student.

Service Animals and Emotional Support Animals on Campus

Definitions

Service Animal:

A service animal as per the ADA is defined as: “Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the owner’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, . . . retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.”

Emotional Support Animal

The Fair Housing Act defines an emotional support animal (ESA) as any animal that provides emotional support, well-being, or companionship that alleviates or mitigates symptoms of the disability; the animal is not individually trained. Emotional support animals are not limited to dogs and can be other species of animal. Emotional support animals are not considered service animals.

A. Service Animals on Campus

For an individual to qualify for having a service animal on campus:

1. The student must have a disability as defined by the ADA;
2. The accompanying animal must be trained to do specific tasks for the qualified individual;
3. Students must register with the Accessibility Services office if the service animal will be housed on the campus so that accommodations can be coordinated; and
4. Must contact Accessibility and Residential Life as early as possible to permit time to gather and review all necessary documentation.

If the definition of a service animal is not met, then the use of the animal as emotional support may be allowed as a reasonable accommodation.

B. Emotional Support Animals on Campus

Emotional Support Animals are not permitted in academic or administrative buildings. ESA's are admitted in residential housing in accordance with the Fair Housing Act. For a student to qualify to have an emotional support animal in their residence hall the student must contact the leasing authority directly.

APPENDIX C. DRUG AND ALCOHOL PREVENTION AND EDUCATION POLICY²⁵

**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.

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

²⁵ 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.

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

Hallucinogens	Dilated pupils, small squares of plastic or paper with imprinted designs, tattoos, small colored tablets.	Hallucinations, confusion, disorientation, panic reactions, inappropriate laughing or crying.
LSD and related substances (acid, blotter, window pane, microdot)		
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.
Inhalants	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.
Airplane model glue, toluene, gasoline and other petroleum products, deodorants and other aerosols, typewriter fluid		

* 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

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.