



**PennState**  
Fayette, The Eberly Campus

# Policies, Safety & U

2022 ANNUAL SECURITY REPORT



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

Dear Penn State Community:

Penn State is dedicated to the well-being of our community and its members, and every day we strive to create a safe campus environment for everyone across the University's wide reach. Over the years, Penn State has continued to address critical issues and concerns related to the safety and security of students, faculty, staff and visitors and has communicated our efforts with publications such as this one. I encourage you to review the following information about campus safety measures and would ask that everyone take ownership of the shared responsibility of fostering and maintaining a safe and secure environment. The University's procedures and policies are designed with our community in mind and Penn State will always make the safety of our students, faculty, staff and visitors a top priority. Thank you for your support as we work together to further enhance safety and security at every level, on every campus.

**Sincerely,**

### ***From the Associate Vice President for University Police and Public Safety***

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

### **Charles Noffsinger**

*Associate Vice President for University Police and Public Safety*





## Accessibility to Information and Non-Discrimination Policy

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

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

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

Direct all inquiries regarding the nondiscrimination policy to the Affirmative Action Office, The Pennsylvania State University:

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

# Annual Security Report

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

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

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings, and on property owned, leased or controlled by Penn State University. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

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

## ABOUT UNIVERSITY POLICE AND PUBLIC SAFETY

Established in 1926 as Campus Patrol, today Penn State University Police and Public Safety is responsible for protecting and serving more than 100,000 of Penn State's students, employees, and visitors at 22 campuses located throughout Pennsylvania.

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

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

## University Police Officer Qualifications, Training, and Authority

Police training required of all municipal police officers in Pennsylvania;

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

Penn State University Police and Public Safety Department is currently seeking Tier 2 accreditation via the Commission on Accreditation for Law Enforcement Agencies Inc. (CALEA).

## University Police at Fayette

For University Police and Public Safety at Penn State Fayette, there is a Lieutenant and Sergeant assigned to oversee police operations.

Penn State Fayette employs four full-time officers who are sworn police officers with full arrest authority. The campus also employs one part-time security officer. The security officer does not have arrest authority.

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



## Safety, Our Number One Priority

The University takes great pride in the community at Penn State University and offers many advantages for students, faculty and staff. This community is a great place to live, learn, work, and study; however, this does not mean that the campus community is immune from problems that arise in other communities. With that in mind, Penn State has taken progressive measures to create and maintain a safe environment on campus.

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

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

University Police and Public Safety maintains a cooperative relationship with the Pennsylvania State Police, Uniontown and other local and state police agencies, such as the Pennsylvania Office of Attorney General. Penn State Greater Allegheny encourages all victims of crime to report incidents to University Police and Public Safety, the Office of Student Affairs or the appropriate local police department.

University Police and Public Safety does not have a Memorandum of Understanding or other written agreement with outside police agencies, but enjoys a positive and cooperative relationship with state and local police. University Police and Public Safety operates in conjunction with other police agencies under the Statewide Municipal Police Jurisdiction Act which legally permits police departments to provide mutual aid outside of their primary jurisdiction. University Police and Public Safety regularly receives and provides mutual aid to PSP based upon a reasonable belief that such aid enhances University Police in the community.

## Crimes Involving Student Organizations at Off-Campus Locations

Penn State Fayette does not have any recognized student organizations with off-campus locations.

## REPORTING CRIMES AND OTHER EMERGENCIES

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

Official	Campus Address	Phone Number
University Police and Public Safety	Eberly Building #10 2201 University Drive Lemont Furnace, PA 15456	724-430-4120
Title IX Coordinator	328 Boucke Building, University Park, PA 16802	814-863-0471
Office of Student Accountability & Conflict Response	120 Boucke Building University Park, PA 16802	814-863-0342

## Voluntary, Confidential Reporting

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

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



Photo credit to Patrick Mansell/PennState

## Reporting to University Police and Public Safety

The University encourages community members to promptly report all crimes and other emergencies directly to the University Police and Public Safety Department in a timely manner. University Police and Public Safety are available by phone at: 724-430-4120 and for emergencies at 911. During business hours at:

Eberly Building #10  
2201 University Drive  
Lemont Furnace, PA 15456

Although many resources are available, University Police and Public Safety strongly encourage all crimes to be reported, whether or not an investigation ensues, to assure the University can assess any and all security concerns and inform the community if there is a significant threat to the University community.

### Anonymously

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

### Reporting to Other Campus Security Authorities

While the University encourages all campus community members to promptly report all crimes and other emergencies directly to University Police and Public Safety 724-430-4120 or to 911, we also recognize that some may prefer to report to other individuals or University offices.

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

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

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

### Pastoral and Professional Mental Health Counselors

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

### TIMELY WARNINGS

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

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



or professional counselor. The University may also issue an alert in other circumstances, which may pose a significant threat to the campus community.

University Police and Public Safety will generally make the determination, in consultation with other University offices, if a Timely Warning is required. However, in emergency situations, any police supervisor may authorize a Timely Warning. For incidents involving off-campus crimes, the University may issue a Timely Warning if the crime occurred in a location used and frequented by the University population.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

### ***Emergency Management at Penn State University***

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

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

### ***Drills, Exercises, and Training***

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

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

## ***Emergency Notification***

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

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

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

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

The institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of Responsible University Authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

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

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

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

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



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

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

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

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

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

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

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

## **SECURITY OF AND ACCESS TO PENN STATE FAYETTE FACILITIES**

Penn State Fayette campus office buildings are open from 8:00 a.m. until 5:00 p.m. and academic buildings generally are open from 7:00 a.m. until 10:00 p.m. These facilities are intended for use by students, employees, and guests of the University. Access to an individual classroom, of course, is limited to those enrolled in the courses meeting there. Likewise, access to most programs is limited to those enrolled in the program.

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

Penn State Fayette maintains campus facilities with security as a primary concern. Authorized individuals have access to buildings for study, work, or teaching, but not unrelated functions. Therefore, only those who have demonstrated a need for them are issued keys to a building.

Landscaping and outdoor lighting on campus are designed for security, with the attempt to provide pedestrians peace of mind.



Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds keeping personnel trim shrubs from sidewalks, walkways, and building entrances to provide a well-lighted route to buildings. All campus walkways are inspected at least twice per year to ensure adequate lighting. Burned-out lights are replaced promptly.

As needs are identified, new sidewalks are installed. New street lights and pedestrian walkway lights are added as new parking areas and walkways are developed or as roadways are changed and playing fields are relocated.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to the University Police and Public Safety at 724-430-4120.

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

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

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

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

who becomes aware of or have experienced sexual harassment and assault at <http://titleix.psu.edu/>.

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

### ***What is Consent?***

Pennsylvania does not define consent in reference to sexual activity. The University defines consent as follows: Consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent must be informed, freely given and mutual. If intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes incapacitation due to alcohol or drug consumption, or being asleep or unconscious, where the respondent knew or reasonably should have known that the person was incapacitated. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions consist of an affirmative, unambiguous, conscious decision by each participant to engage in mutually agreed-upon sexual

activity. Consent can be limited, meaning consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity. Consent is revocable, meaning consent can be withdrawn at any time. Thus, consent must be ongoing throughout a sexual encounter. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

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

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

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

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

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

The Clery Act defines Rape as the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females. University policy AD85 does not specifically define Rape. See the above definition for Sexual Assault.

**Domestic Violence:** Domestic Violence is not defined by Pennsylvania state statute. Under Pennsylvania Protection From Abuse Act, however, "abuse" is defined as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual

assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

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

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

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

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

**Dating Violence:** Dating Violence is not specifically defined by Pennsylvania state statute. The Clery Act defines Dating Violence as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the



relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes but is not limited to sexual or physical abuse or the threat of such abuse. According to University policy AD85, Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship.

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

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

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

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

After an incident of sexual assault, it is important to seek medical attention as soon as possible. In Pennsylvania, evidence may be collected even if a victim chooses not to make a report to law enforcement. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence, as may be necessary to the proof of criminal activity or may be helpful in obtaining a protection order, may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

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

address, or by mail to the office address, listed for the Title IX Coordinator.

#### **Title IX Coordinator**

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

#### **Deputy Title IX Coordinators**

The Title IX Coordinator may delegate responsibility for handling a report to a Deputy Title IX Coordinator, as appropriate, or may refer the matter to another office or individual in the event the matter reported falls outside of the scope of Policy AD85.

#### **Matters Involving Student Respondents**

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

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

Affirmative Action Office  
328 Boucke Building, University Park, PA 16802-5901  
814-863-0471

Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with the police. Whether a victim reports the crime to the police, or not, if the alleged offender is a member of the University community, the victim has a right to proceed to seek University discipline against the offender as explained in more detail in University Policies AD85 and AD91 and in the section of this Annual Security Report entitled, "University Procedures for Responding to Reports of Sexual Assault, Domestic Violence, Dating Violence, and Stalking."

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

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

upon request, will be provided to a reporting student or employee in writing, regardless of where the crime occurred:

- To receive information concerning available services for victims;
- To be notified of certain significant actions and proceedings pertaining to your case;
- To be accompanied at all public criminal proceeding by a victim advocate, family member or another person;
- In cases involving personal injury crimes, burglary, and crimes relating to driving under the influence which involved bodily injury, the victim may offer prior comment on the potential reduction or dropping of any charge or changing of a plea;
- To offer prior comment on the sentencing of a defendant to include the submission of a written and/or oral victim impact statement;
- To be restored, to the extent possible, to the pre-crime economic status through restitution, compensation, and the return of property;
- Where applicable, to obtain an order of protection, no contact order, restraining order, or other similar lawful order issued by a criminal, civil or tribal court, or a no contact directive from the University. The University will, when appropriate, issue a no contact directive. To request a University-issued no contact directive, individuals may contact the Office of Sexual Misconduct Prevention and Response, (814-867-0099 or [titleix@psu.edu](mailto:titleix@psu.edu)) or the Office of Student Accountability & Conflict Response, 120 Boucke Building University Park, PA 16802 (814-863-0342);
- If personal injury results from the incident, and the offender is sentenced to a state correctional facility, the victim has the opportunity to provide prior comment on and to receive state post sentencing release decisions (work release, parole, pardon, or community treatment center placement) and to be provided immediate notice of escape of the offender;
- If personal injury occurs from the incident and the offender is sentenced to a local correctional facility, the victim has the right to receive notice of release of the offender (including work release, furlough, parole, community treatment center placement) and to be provided with immediate notice of the escape of the offender;
- Where the offender is subject to a PFA order and is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, the victim has the right to receive immediate notice of the release of the offender on bail;
- When an offender is committed to a mental health facility from a state correctional institution, the victim has the right to notice of the discharge, transfer, or escape of the offender from the mental health facility; and
- The victim has the right to have assistance in the preparation of, submission of and follow-up on financial assistance claims to the Crime Victim's Compensation Program.

Moreover, to the extent of the victim's cooperation and consent, University offices will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal University investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic, living, transportation, or working situations or supportive measures in addition to counseling, health services, and assistance in notifying appropriate local law enforcement, which, where appropriate and requested and to the extent permissible by law, will be kept confidential. All options for accommodations and supportive measures will be provided to the complainant in writing upon request. The University will make available accommodations or provide supportive measures regardless of whether the complainant chooses to report the crime to campus police or local law enforcement.

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

Title IX Coordinator  
Affirmative Action Office  
328 Boucke Building,  
University Park, PA 16802  
814-863-0471  
[titleix@psu.edu](mailto:titleix@psu.edu)

Concerns about conduct by an employee, third party or student at any Commonwealth Campus or other University location should follow the reporting procedures set forth above and on the University's Office of Sexual Misconduct Prevention and Response website (<https://titleix.psu.edu/filing-a-report/>).

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

- The right to report the incident to the University Police or local authorities. The University will assist victims in notifying either the University or local police. Filing a police report does not mean the victim must pursue criminal charges. The victim maintains his or her rights throughout the process.
- The right to receive written information about existing counseling health, mental health, victim advocacy, legal assistance, visa/immigration assistance and student financial aid, and other services available to victims, both within the institution and in the community.
- The right to receive written notification about options for available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

- In addition to the campus services listed below, several community service organizations can provide counseling, mental health, and other related services to sexual assault victims.
- Resources and contact information can be found on the Office of Sexual Misconduct Prevention and Response website at <http://titleix.psu.edu/> and the Affirmative Action Office (AAO) website at <https://affirmativeaction.psu.edu>.

Resources:

- Office of Sexual Misconduct Prevention and Response – response to reports of sexual harassment and sexual misconduct, coordination of resources and support services, education and training.  
<http://titleix.psu.edu>
- Gender Equity Center – confidential advocacy, crisis intervention/support, academic accommodation, referrals, and education  
<http://studentaffairs.psu.edu/genderequity>
- Affirmative Action – diversity education services  
<https://affirmativeaction.psu.edu>
- University Health Services – confidential medical services  
<https://studentaffairs.psu.edu/health>
- Residence Life – support, residence hall accommodation, and referrals  
<http://studentaffairs.psu.edu/reslife/>
- Counseling and Psychological Services – confidential counseling, support, and referrals  
<http://studentaffairs.psu.edu/counseling>
- Office of Student Accountability & Conflict Response – support, referrals, and resolution of complaints  
<http://studentaffairs.psu.edu/conduct>
- University Police and Public Safety – safety, support, and referrals  
<https://www.police.psu.edu/>
- Employee Assistance Program – counseling for faculty/staff  
<https://www.magellanassist.com/default.aspx>
- Victim Witness Advocate – court accompaniment
- Penn State Human Resources –  
<https://hr.psu.edu/>
- Pennsylvania Coalition Against Rape – 24-hour hotline (1-888-772-7227)  
<https://www.pcar.org/>

- Pennsylvania Coalition Against Domestic Violence – 24-hour hotline (1-800-799-7233)  
<https://www.pcadv.org/>

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

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

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

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

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



Policy	Applicable To
<u>Title IX Policy</u>	<p>The Title IX Policy addresses reports of sexual harassment, sexual assault, dating violence, domestic violence, and stalking incidents that occurred on campus or at a University owned or controlled location or program within the United States.</p> <p>Penn State's Title IX Policy is under AD 85. AD 85 defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p>
<u>Non-Title IX Policy</u>	<p>AD 91 addresses all other reports of sexual misconduct that are not addressed under the Title IX Policy. Prohibited conduct includes off-campus sexual harassment, sexual assault, dating violence, and domestic violence, as well as gender-based harassment and sexual exploitation. If the Complainant, or the victim/survivor, is not participating in a Penn State educational activity, AD 91 also applies. AD 91 defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p> <p>Penn State's Non-Title IX Policy is under AD 91. AD 91 defines prohibited conduct and prescribes procedures for reports, investigations, formal hearings, and sanctions.</p>
<u>AAO</u>	<p>Reports where the Respondent, or the accused party, is a University employee are managed by the Affirmative Action Office. The Affirmative Action Office determines the applicability of the Title IX Policy, Non-Title IX Policy, or other University policies to each case.</p>

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

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

results that occurs prior to the time that such results become final; and when such results become final.

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

### Supportive and Interim Measures

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

The Complainant(s) shall also be informed by the Title IX Coordinator or their designee about how to make a Formal Complaint to the University under Title IX, and/or a criminal report, and how to file a complaint with the appropriate state or federal agency.

Supportive Measures are non-disciplinary non-punitive, individualized services offered as appropriate as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party,

including measures designed to protect the safety of all parties or the University's educational environment, or to deter Prohibited Conduct. Upon notice that any person has allegedly experienced actions that could constitute Title IX Prohibited Conduct, the Title IX Coordinator or their designee will respond promptly by offering Supportive Measures and an explanation of the Complainant's option to file a Formal Complaint that will initiate a formal investigation.

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

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

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

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

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

In rare circumstances, the University may remove a Respondent from the University's education program or activity, on an emergency basis but only after undertaking an individualized safety and risk analysis and only if such analysis determines that there is an immediate threat to the physical health or safety of any student, employee or other individual arising from the allegations of Prohibited Conduct (including the Respondent themselves). In matters that involve student Respondents, the Senior Director, Office of Student Accountability & Conflict Response, will complete the individualized safety and risk assessment. If the Senior

Director or designee reasonably believes that such a threat is posed, an interim suspension, or other interim action, may be assigned. In the case of such removal the University will provide the student Respondent with notice and an opportunity to challenge the decision immediately following the removal. [Interim Suspension procedures.](#)

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

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

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

### A. Informal Report

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

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

### B. Formal Complaint

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

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

### **i. Initial Assessment.**

The Title IX Coordinator shall make an initial assessment as to whether the Formal Complaint on its face alleges an act of Prohibited Conduct and whether the Prohibited Conduct is covered by this Policy. If not, Title IX requires that the University dismiss the matter as described below. If such a determination is reached, the Complainant will receive an explanation in writing, including information regarding the appeal process, referrals to other appropriate administrative units, University officials, or resources to assist the Complainant. A required dismissal under Title IX does not mean that the University cannot or will not review and respond to the alleged behavior under other applicable federal regulations or University policies. These include Title VII and relevant University policies such as the Student Code of Conduct and the University's Discrimination, Harassment, and Related Inappropriate Conduct Policy (Penn State Policy [AD91](#)). In those cases, the Title IX Coordinator will refer the matter to the appropriate office for management.

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

#### **a. Mandatory**

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

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

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

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

- (a) Matters in which the Respondent is a student will be referred to the Office of Student Accountability & Conflict Response.

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

### **b. Discretionary**

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

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

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

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

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

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



## **VOLUNTARY INFORMAL RESOLUTION**

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

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

- Provide voluntary written consent acknowledging that they are willingly entering into an informal resolution process.
- Agree, in writing, that all sanctions or other conditions designed to address the behavior will be applied by the Respondent's immediate Supervisor and/or the Associate Vice President for Affirmative Action in consultation with the Title IX Coordinator for all employee and third-party matters. For cases that involve student Respondents, the sanctions or other conditions designed to address the behavior will be applied by the Senior Director, Office of Student Accountability & Conflict Response, in consultation with the Title IX Coordinator.
- Acknowledge, in writing, that they are aware of their right to withdraw from the informal resolution process and resume the formal investigation process at any time prior to agreeing to a resolution.

The voluntary informal resolution process will be managed by the Affirmative Action Office (AAO) for employee and third party-related matters and by the Office of Sexual Misconduct Prevention and Response (OSMPR) for student-related matters.

## **INVESTIGATION OF FORMAL COMPLAINT**

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

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

final decision. While the parties are encouraged to provide all pertinent information to the investigators, the burden of gathering evidence remains at all times on the University. Such information may include the names of potential witnesses and documentary evidence such as emails, text messages or other similar electronic communications. The information may also include, in some cases, medical, psychological, or other treatment records, provided that the party provides the investigator with written consent to consider and include the treatment records in the investigation. If the party provides the investigator with written consent, the treatment documents will become part of the evidentiary file, which both parties have the right to review.

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

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

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

Both parties have the right to have their Advisor present during any grievance proceeding or any related meeting, who may be, but need not be, an attorney. An Advisor

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

## **A. Investigation Process**

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

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

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

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

### **ii. Amended Notice**

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

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

### **iii. Preliminary Investigative Report**

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

At the conclusion of the review period, the University will remove the parties’ electronic access to the preliminary investigative report. If the University is unable to provide the parties access to the materials due to extraordinary and unforeseen circumstances, the investigator will provide the parties with a hard copy of the evidence in person or, if the distance between the parties and the investigator prohibits such delivery, a copy will be sent to the parties using registered mail requiring the recipient’s signature. Parties who receive a hard copy of the preliminary investigative report by registered mail will be required to return the copy to the investigator at the conclusion of the review period by using registered mail requiring a signature by the recipient.

The investigator will consider the parties’ responses to the preliminary investigative report and, if warranted, shall conduct additional investigation based thereon. The parties recognize that such additional information may cause the timelines for the completion of the investigation and grievance process to be extended.

#### **iv. Final Investigative Report**

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

Within five (5) days of receipt of the final investigative report, the Title IX Coordinator will make a determination that: (1) the University will convene a hearing before an impartial fact-finding Hearing Panel who will hear testimony from the parties and relevant witnesses, review the relevant evidence, and make a determination as to responsibility OR (2) the matter will be dismissed because the investigation revealed facts that either: (a) require a dismissal under Title IX (e.g., the conduct alleged would not constitute Title IX Prohibited Conduct, even if true, did not occur in the University's Education Program or Activity, or did not occur in the United States); or, (b) allow for a dismissal (e.g., if the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint, the Respondent is no longer enrolled or employed by the University, or specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein). If a determination is made to dismiss the Formal Complaint, the parties may exercise their right to appeal using one or more of the bases for appeal set forth below. In the absence of a dismissal, the matter will be forwarded to the appropriate University Hearing Panel for disposition.

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

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

#### **FORMAL HEARING PROCESS**

**A. Receipt of Final Investigative Report.** Within five (5) days of receipt of the final investigative report, the Title IX

Coordinator or their designee will select the members of the Title IX Hearing Panel and will provide a copy of the final investigative report to the members of the Hearing Panel. Promptly after selection of the Hearing Panel members, the Title IX Coordinator or their designee will provide concurrent written notice to the parties of the date, time and location of the hearing.

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

**C. Responsibilities of Hearing Panel & Parties** The Hearing Panel is required to objectively evaluate all relevant evidence both inculpatory and exculpatory, and to independently reach a determination regarding responsibility. The University may provide an attorney from its Office of General Counsel, or outside counsel, to advise the Hearing Panel.

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

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

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

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

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

1. Technical rules of process and evidence, such as those applied in criminal or civil court, are not used in these proceedings. Evidence permitted at the live hearing is



limited to only that which is relevant to the allegations in the Formal Complaint. Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action. Evidence not previously provided in advance of the hearing may be accepted for consideration at the discretion of the Hearing Panel.

2. Per Title IX requirements for live cross-examination, parties have the right to cross-examine any witness, including the investigator, and present both fact and expert witnesses which may include investigators. Only Advisors can conduct cross-examination on behalf of a party; there is no right of self-representation, however, the party should be an active participant in informing the questions posed by their Advisor.
3. Cross-examination is designed to allow a party to challenge the consistency, accuracy, memory and credibility of the opposing party or witness. Cross-examination must be relevant, respectful, and conducted in a non-abusive way. The University retains discretion under Title IX to apply rules of decorum at a live hearing that require participants (including parties, witnesses, and Advisors) to refrain from engaging in abusive, aggressive, or disruptive behavior. Failure to adhere to the rules outlined by the Hearing Panel may result in a decision to cease the hearing and reconvene once the disruptive behavior has been addressed.
4. Parties, through their Advisors, will ask each question one at a time and allow the Hearing Panel to determine the relevance of the question before the other party or witness is asked to answer. This process will be strictly adhered to throughout the entire hearing process. Submission of written questions for the purpose of ascertaining relevance is not permitted.
5. At the request of one or both parties, the Complainant and Respondent will be permitted to participate in the hearing in separate rooms, assisted by technology that allows each party to see, hear, and ask questions of the other party live and in real-time. Witnesses may also appear in separate rooms, but also must be clearly visible and audibly clear to the Hearing Panel, the parties, and their Advisors.
6. All witnesses will be considered the University's witnesses. Names of witnesses may be provided by either party or others who may have been involved with the case. To assist this process, those who have not met with the investigator will be requested to provide a brief statement to the Title IX Coordinator or their designee outlining the relevant information they will share at least three (3) days in advance of the hearing.
7. There shall be a single audio record of all Title IX hearings which will be available to the parties for inspection and review. The parties are not permitted to record the hearing. The recording shall be the property of the University and will be maintained with all records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Prohibited Conduct for no fewer than seven (7) years. Accordingly, documents prepared in anticipation of the

hearings (including the Formal Complaint, the preliminary investigative report, the final investigative report, the notices of hearing, and any prehearing submissions) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing process, except as may be required or authorized by law or legal proceeding. In particular, to respect the reasonable privacy of all participants, no party (or representative), nor any witness, may record the hearing or disclose any recording of the hearing or any portion thereof. Any violation of privacy requirements shall constitute a violation of this Policy, which may result in disciplinary action.

8. If a party or witness, with notice, does not appear before the Hearing Panel, the hearing will take place in their absence. If a party or witness appears at the hearing but refuses to answer questions posed to them by the other party's Advisor, the Hearing Panel will reach its determination using the evidence available to them. The Hearing Panel may not draw any inference as to the responsibility of the Respondent based on any party or witness's absence or refusal to undergo cross-examination. If a party's Advisor does not appear at the time of the hearing, the University will provide an Advisor for that party without fee or charge, to conduct cross-examination on behalf of that party.
9. If the matter involves more than one Respondent, the Title IX Coordinator, in their discretion, may permit the hearing concerning each Respondent to be conducted either jointly or separately.

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

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

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

## **SANCTIONS**

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

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

If the Respondent is found to be responsible for the Prohibited Conduct as an outcome of the hearing, the Senior Director, Office of Student Accountability & Conflict Response, will assign sanctions, giving consideration to whether a sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, and any record of prior student discipline, if applicable. Sanctions may include, without limitation, formal warning, conduct probation, suspension or expulsion from the University. In addition, other administrative sanctions may include exclusion, housing reassignment, loss of housing, and/or loss of privileges. The University reserves the right to impose other sanctions and/or educational, reflective, and restorative outcomes in addition to the administrative sanctions listed above in response to the specific circumstances of a case. Supportive measures, including No Contact Directives, may also be continued. Imposition of the appropriate remedy and/or sanction will be implemented only after all appeals have been exhausted.

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

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

with the collective bargaining agreement applicable to the Respondent.

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

## **WRITTEN NOTICE OF OUTCOME AND SANCTIONS**

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

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

## **APPEAL RIGHTS OF PARTIES**

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

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

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

4. The sanction(s) imposed was/were not appropriate for the violation(s).

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

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

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

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

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

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

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

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

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

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

Within five (5) days of receipt of the appeal packet, the appeal officer will issue a final written decision simultaneously to both parties and the Title IX Coordinator describing the result of the appeal and the rationale for the result. The decision of the appeal officer is final.

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

### I. INTRODUCTION

The following procedures implement the [Student Code of Conduct](#) ("Code") as it relates to allegations of Discriminatory Misconduct when the Respondent is an individual Student, excluding allegations which constitute Title IX Sexual Harassment. The stated timelines in these procedures are not binding and create no additional rights for the Parties. If there is a conflict between University policy and these procedures, the policy controls.

The procedures for resolving allegations of Title IX Sexual Harassment are set forth in University policy [AD85](#). When a report includes allegations of both Title IX Sexual Harassment and Prohibited Conduct under the Code, including Discriminatory Misconduct, the Senior Director of the Office of Student Accountability and Conflict Response (OSACR) may refer the Prohibited Conduct allegations to be resolved with the Title IX Sexual Harassment allegations in accordance with the procedures outlined in the [AD85](#).

The decision to consolidate is discretionary and may not be appealed.

In cases where allegations are related to both Discriminatory Misconduct and other forms of Prohibited Conduct under the Code, these procedures may be utilized to resolve all potential violations associated with the alleged misconduct.

Throughout these procedures, the term "Senior Director" refers to the Senior Director of OSACR. The term "Director of OSMPR" is used to refer to the Director of the Office of Sexual Misconduct Prevention and Response (OSMPR). Both the Senior Director and the Director of OSMPR may designate others, including designees at each Penn State



campus, to fulfill the responsibilities outlined in these procedures. For a glossary of additional important terms, see Appendix A.

## II. PRELIMINARY INFORMATION

### Accessibility Accommodations

Penn State is committed to ensuring an inclusive, accessible, and equitable process for all Participants. Students who have a disability and believe they require reasonable accommodation to participate in the student conduct process should contact their [Campus Disability Coordinator](#). Accommodations which are deemed necessary and approved will be incorporated into the student conduct process. Requests should be made as soon as possible to ensure the University has sufficient time to review and process the accommodation request. Participants who wish to request language interpretation or translation services, for a need other than disability accommodation, should contact their Investigator to discuss available resources.

### Concurrent Processes

Respondents with other affiliations, including but not limited to student-organization membership, University-affiliated programs (e.g., ROTC), academic programs, NCAA athlete status, University appointment or employment, or visa status, may be subject to applicable processes or standards in addition to the Student Code of Conduct. Those processes are managed by the offices and/or units which oversee the programs, separately from the student conduct process.

In some incidents, misconduct may also constitute a violation of the law. Incidents addressed through the University's conduct system are separate from the criminal justice system and/or civil protective order processes. The Senior Director, the Director of OSMPR, or any other University official who makes decisions as a part of the student conduct process is unable to give legal advice about any implications arising from a Respondent's participation in the conduct process.

**Conduct Withdrawal:** When there is concurrent or pending criminal investigation and/or judicial process, a Respondent may request a conduct withdrawal from the Senior Director. If approved, the conduct process is paused, and a notation is placed on the Respondent's transcript indicating the Student withdrew while a conduct process was pending. The Respondent is prohibited from being present at University Premises, including virtual spaces, and from participating in University Sponsored Activities until further notice. The Senior Director's decision is discretionary, and the conduct process may be reinitiated at any time.

**Temporary Request for Delay:** At the request of law enforcement, the University may temporarily delay the student conduct process until some, or all, of the criminal process has been completed. The decision to suspend the student conduct process will be made taking into consideration the health and safety of the campus community. Interim actions may be imposed during the delay.

### Conduct Holds on Student Account

The Senior Director may place a hold ("conduct hold") on a student's account if the student is the Respondent in a pending student conduct proceeding, or as a part of an administrative sanction under the Code. A conduct hold may restrict the student from class registration, obtaining an official transcript, or receiving a degree from the University until the hold has been removed. If a conduct hold is put in place pending the outcome of the student conduct proceeding, the Respondent will be notified of the hold and be provided an opportunity to contest the hold or request that it be made less restrictive. Placing a conduct hold does not assume any determination of, or create any expectation of, a violation of the Code.

The Senior Director or Director of OSMPR may also place a conduct hold that restricts class registration on the student account of a Witness or other Participant who has failed to attend a required meeting with their respective office.

### Confidential Resources and Supportive Measures

All Students who have experienced, witnessed, or been accused of Discriminatory Misconduct are entitled to supportive measures, including but not limited to academic arrangements (such as class withdrawals, incomplete grades and alternative course completion, extension of deadlines), campus escort services, assistance with housing, transportation, and other support services, referrals to community agencies, and/or other reasonable measures. Students may also seek confidential resources such as health and counseling services. Penn State also offers resources to support faculty and staff members who have been affected by Discriminatory Misconduct.

### Interim Action

The Senior Director may impose an interim action(s), as outlined in Section VIII of the [Code](#), when it is necessary to address a threat to the health or safety of any person, a threat to property, or a disruption or interference with the normal operations of the University, or when the Student is charged with a serious violation of state or federal law. Interim action may include, but is not limited to, an interim suspension from the University and/or removal from University-owned housing facilities pending the consideration of a case through the procedures in this document.

If interim actions is to be taken, the following will occur:

- When possible, the Complainant will be informed of any interim action prior to its implementation.
- The Respondent will receive written Notice of the interim action (which may occur simultaneously with the implementation of the interim action).
- Both Parties may contest the Interim Action to the Assistant Vice President for Student Affairs, or designee.

The Senior Director may authorize other University Officials to take temporary, emergency action to address an urgent concern outside of business hours until a determination can be made regarding whether an interim action is appropriate.

Emergency actions will be in place for no more than two business days before they are removed or replaced by an interim action.

### **No Contact Directives**

The Senior Director or Director of OSMPR may issue a No Contact Directive prohibiting contact between two or more Students when there is reasonable concern that such contact may:

- Cause disruption of or interference with university services and/or administrative functions or an environment conducive to learning.
- Create a hostile or unwelcoming environment, and/or
- Cause reasonable fear of physical harm.

Violations of No Contact Directives are subject to student conduct action in accordance with the Code. The University will not issue a No Contact Directive when there is reasonable belief that the directive has been requested for the purpose of discrimination or harassment and may refer allegations of discrimination or harassment for further review.

More information about no contact directives is available here: <https://studentaffairs.psu.edu/student-accountability/resources-and-faqs/information-students>

### **Participation**

**Party Participation:** Parties may choose how, if at all, they will participate in the resolution process. Regardless of their level of participation, parties retain their rights in the process as afforded by university policy and applicable state and federal law, and the University will continue to send official communications throughout the process. The University will not retaliate against any party for choosing not to participate in the process. Whenever possible, and always when required by law, the Discriminatory Misconduct resolution process will afford equal access and participation to both Respondents and Complainants. When allegations do not include sex and/or gender-based harassment or crimes of violence, the extent to which a Complainant may participate in the process and/or have access to case materials may be limited as required by the Family Educational Rights and Privacy Act.

**Honest Participation:** To the extent that a Respondent, Complainant, or Witness chooses to participate, it is expected that participation will be honest and forthright.

**Selective Participation:** Decisions regarding whether a violation occurred will not be based solely on a Complainant, Respondent, or Witness refusing to answer questions or participate in the student conduct process. However, choosing to answer some material questions but not others, or choosing to participate in some portions of the process but not others, may be considered during determinations regarding credibility or the weight given to information provided.

### **Retaliation**

Retaliation is prohibited by University policy (see [AD67](#)). The University will not tolerate retaliation in any form against any individual who makes an allegation, files a Report, serves as a Witness, assists a Complainant or Respondent, or participates in the student conduct process. Allegations of retaliation should be reported immediately.

### **Support Persons**

Parties may seek the assistance of one Support Person, of their choosing, to provide support, advice, or guidance throughout the process. To designate a Support Person, the party must notify the University in writing. Should a Party wish to change their designated Support Person during the process, new written consent must be submitted. The opportunity to have a Support Person present during a meeting does not allow for an unreasonable delay. The Senior Director or the Director of OSMPR will determine what constitutes an unreasonable delay.

Respondents or Complainants from the incident cannot serve as Support Persons in that case. While it is not prohibited, the University discourages having a Witness also participate as a Support Person. Parties should be aware that choosing a Witness to serve as their Support Person may impact the credibility of that Witness' testimony as Support Persons have access to information not otherwise accessible to a Witness.

Once designated, Support Persons may attend meetings and be copied on case communications. They are not permitted to act or speak on behalf of the Respondent, or a Complainant or disrupt any meetings. The University may require a Support Person to leave a meeting, including the Administrative Conference, if the Support Person engages in unreasonable, disruptive, harassing, or retaliatory behavior.

### **Time Limit to File a Report**

While there is no timeline to file a report, the University encourages Complainants and other persons with knowledge of possible Discriminatory Misconduct to submit Reports as soon as possible. A delay in reporting may impact the University's ability to gather relevant and reliable information, or to assign an Action Plan to a Respondent found in violation of the Code.

## **III. INITIATING STUDENT CONDUCT ALLEGATIONS**

### **Review of the Initial Report**

When a Report covered by these procedures is received, the Senior Director will consider whether:

- The Report contains information that, if proven by a Preponderance of the Evidence, would violate the Code;
- The University has jurisdiction over the underlying allegations; and
- The matter requires further response based on the totality of the information obtained.

Preliminary fact-finding may be necessary to facilitate these considerations. This may include interviews with the person

who submitted the Report, Witnesses, including any Impacted Parties, and/or the Complainant.

When the Senior Director decides further response is necessary, they will assess whether an adaptable resolution, formal student conduct action, or other process is appropriate. When formal student conduct action will not proceed, the University may take other appropriate steps designed to eliminate the alleged conduct, prevent its recurrence, and address its impact on the Complainant and the University community. This may include a mandatory meeting with the Respondent and a designated University Official to clarify University expectations. Any resolution will be subject to applicable record retention requirements.

When a Report alleges Sexual Misconduct, Sexual Exploitation, and/or Sex and gender-based harassment, the Director of OSMPR has been designated to review the Report and make determinations regarding further response.

### **Request for No Action**

Upon receiving a Report covered by these procedures, the University will promptly contact the Complainant to discuss confidential resources and supportive measures and explain to the their options regarding reporting and potential action. The University respects a Complainant's desire for anonymity and decision to not pursue formal conduct action.

A Complainant may request that their personal identifying information not be shared, that the Respondent not be informed of the Report, and/or that the University not initiate a student conduct process. The University will seek to honor a Complainant's request(s) to the extent possible while also meeting its obligation to protect the health and safety of the Complainant and the University community. If such a request is granted, the University may be limited in its ability to respond to the allegations. In general, the University will interpret no response to outreach to be a Request for No Action from the Complainant.

When the University is unable to honor a Complainant's request, the Complainant will be notified that the University will be initiating student conduct action.

### **Notice of Allegations and Investigation**

When the University initiates formal student conduct action, a written Notice of Allegations and Investigation will be simultaneously issued to both parties. Throughout the student conduct process, all e-mail communications from the University are considered received when sent. The Notice will include the following:

- A brief description of the alleged misconduct;
- The alleged violations of the Code;
- The name and contact information for the assigned Investigator;
- A direct link to the Student Code of Conduct and these procedures;
- Whether the Respondent may be subject to suspension or expulsion; and

- For the Respondent Only: The date, time, and location (or virtual access information) for the informational meeting; or
- For the Complainant Only: An opportunity to schedule an informational meeting.

The University may issue a revised Notice to both parties should new information support additional or different allegations, or impact whether the Respondent may be subject to suspension or expulsion. A revised Notice of Allegations does not restart the formal student conduct process. Parties will be provided with reasonable time to respond to any new allegations, including the opportunity to present relevant information to the Investigator.

### **Dismissals**

At the sole discretion of the University, allegations may be dismissed, either in whole or in part, at any time before the Administrative Conference. Circumstances where dismissal may be appropriate include, but are not limited to, the following:

- The Complainant requests, in writing, that the University dismiss the allegations;
- The Respondent is no longer enrolled at the University;
- It is determined that there are not sufficient facts or information to support the alleged code violation(s);
- Specific circumstances prevent the University from gathering information sufficient to reach a determination (including where no Complainant is identified during the investigation, when allegations have been adjudicated previously, when the length of time between incident and complaint prevents collection of information, or when Complainant has stopped participating and the only information available is the Complainant's statement); or
- There is substantial information demonstrating the allegation(s) was made in bad faith and/or with the sole intent to harass the other party.

The University will send a Notice of Dismissal to both Parties indicating which allegations are being dismissed and stating the reason(s) for the dismissal. This notice will also clarify whether any remaining allegations will continue in the formal student conduct process, or under another applicable University policy. A decision to dismiss some or all allegations may not be appealed. The University maintains discretion to reinstate dismissed allegations should new or additional information become available.

### **Informational Meeting**

The Respondent will have an opportunity to attend an informational meeting with their assigned Investigator. The date, time, and location or virtual access information of the informational meeting will be included as part of the Notice of Allegations and Investigations. The Respondent may choose to, but does not need to, make statements in response to the allegations at this meeting.

During the informational meeting, the Respondent will be able to learn about the formal conduct process, options for identifying a Support Person, and possible options for resolving the complaint including adaptable resolution. The



Investigator may also use this time to assist with supportive measures requests and to schedule future meetings, including an interview. The Respondent is encouraged to bring their Support Person to the informational meeting if they have already identified someone.

A Complainant may also request an informational meeting to better understand the process, adaptable resolution options, and how they are able to participate and to request supportive measures.

### **Adaptable Resolution Pathway**

An adaptable resolution may be an option to resolve reported misconduct. Adaptable resolution processes include but are not limited to restorative practices, mediation, mutual agreement, and other informal resolutions. This option may be appropriate where the Senior Director determines that it is consistent with the University's obligations – under the law, institutional policies, and institutional values – to end the misconduct, prevent the misconduct from happening again, and address or remedy its effects.

Either party may submit a request for Adaptable Resolution. If the Senior Director, and Director of OSMPR when appropriate, determines it is appropriate, and both Parties agree, voluntarily and in writing, to participate in an adaptable resolution process, the formal student conduct process will be placed on hold for a designated period of time. Either Party, or the Senior Director, may decide to resume the formal student conduct process at any time prior to an adaptable resolution agreement being finalized.

Any adaptable resolution agreement will be in writing and represent the final resolution of the case. Failure to adhere to the terms of the adaptable resolution agreement may constitute a separate violation of the Code and/or result in reopening of the existing student conduct matter.

**Mutual Agreement:** This adaptable resolution option allows the Complainant and Respondent to mutually agree to what violation(s) and Action Plan will be imposed outside of the formal investigation and adjudication process. As with all adaptable resolutions, the University must determine whether the outcome is appropriate, and both parties must voluntarily agree to the resolution in writing.

## **IV. INVESTIGATION**

### **Initial Investigation**

While the parties are encouraged to promptly provide all pertinent information and materials the burden of gathering evidence remains, at all times, on the University. The information may also include, in some cases, medical, psychological, or other treatment records, provided that the party provides the investigator with written consent to consider and include the treatment records in the investigation. If the party provides the investigator with written consent, the treatment documents will be included in the investigative report.

The University will take reasonable steps to gather initial facts and evidence by providing both parties with an opportunity to meet with the Investigator. An Investigator will gather relevant information or evidence, including documents, photographs, communications between the Parties, other electronic records as appropriate, as well as other evidence the Parties may provide. The Investigator may gather additional information from public records, documented observation, online sources, and Witness interviews. In some cases, the Investigator may consult with relevant experts when deemed appropriate and necessary by the University.

Parties should provide names, contact information, and a summary of expected information for any proposed Witnesses, and any relevant documents, as soon as possible. A delay in providing this information could impact the ability to gather information during the investigation. Parties should not delete, destroy, or otherwise alter any relevant information or material. Failure to comply with this expectation may result in a negative inference as to the information or material destroyed or altered.

### **Draft Report**

At the conclusion of the initial investigation, the Investigator will create a draft report that includes all evidence gathered related to the allegations in the Notice of Allegations and Investigation that has been deemed relevant by the Investigator.

The Investigator will make the draft report, along with a file including any evidence deemed to be irrelevant, accessible to each Party, and their designated Support Person, in an electronic format other than email, such as secure file-sharing platform of the University's choosing. The parties and their Support Persons will not be permitted to download, copy, photograph or take other measures designed to retain copies of the draft report. Failure to comply with this directive may result in student conduct action, up to and including suspension from the University.

Within 10 days of being granted access to the draft report, the Parties may submit a written response to the Investigator. This response may include messages, photos, other documents, new witnesses, and additional information. If a Party disagrees with any of the Investigator's determinations about relevance, the Party can make that argument in this response. At the conclusion of the review period, the University will remove the parties' electronic access to the draft report. The Investigator may conduct further fact-finding if deemed necessary after the Parties respond to the draft report. Parties should be aware that new or additional information provided in a draft report response may cause a delay in the resolution timeline.

### **Final Report**

After considering any timely responses from the Parties, and conducting any additional investigation, the Investigator will complete the final investigation report.

Prior to issuing the final investigative report to the Parties, the University will review the final report and make a threshold determination either to proceed to adjudication or dismiss the entirety or portions of the allegations, in accordance with the “Dismissals” section above. Generally, this determination will occur within five days following the completion of the final investigation report.

The final report, along with a file including any evidence deemed to be irrelevant, will be made accessible to the parties, and their Support Persons, using a secure file-sharing platform of the University's choice, at least ten days before the Administrative Conference. The same restrictions regarding copying, photographing, or otherwise making attempts to retain a copy of the draft report apply to the final report.

## **V. ADJUDICATION**

### **Adjudication Options**

When a case proceeds to adjudication, the Respondent will receive an Adjudication Notice which includes a proposed Violation Agreement. The Respondent may elect one of the following options within five days of this Notice:

1. **Resolution by Violation Agreement:** Agree to resolve the matter through a Violation Agreement, acknowledge that the violation(s) occurred, and accept the proposed Action Plan. Should the Respondent elect to accept the Violation Agreement, both parties preserve the option to appeal the Action Plan (in writing).
2. **Administrative Conference:** Proceed to an Administrative Conference in accordance with these procedures.

### **Resolution by Violation Agreement**

If the Respondent agrees to acknowledge the violation(s) occurred by choosing option 1, the University will send a Notice of Resolution by Violation Agreement, including the Action Plan, to both Parties. This Notice will also describe both Parties' right to appeal the Action Plan.

### **Administrative Conference Overview**

If the Respondent chooses option 2, or does not respond to the Adjudication Notice, then an Administrative Conference will proceed as outlined below.

The Administrative Conference is an administrative proceeding not comparable to a criminal or civil trial and is not subject to the rules of evidence, the rules of civil procedure, or other rules that apply to court and court-like proceedings. Any right to a live hearing, established by law or policy, is satisfied by the opportunity to appear at the Administrative Conference virtually.

**Notice of the Administrative Conference:** At least five days before the Administrative Conference, the University will provide the Parties written Notice of the name of the Decision-maker and the date, time, and location or virtual access information for the Administrative Conference. The University may postpone the Administrative Conference for good cause and will notify the Parties of the new

Conference date. The University may also determine that it is appropriate to hold portions of a Conference on different dates. This may be done, for example, when the University determines that it is appropriate to do so in order to accommodate reasonable scheduling issues with a Party, a Support Person, or a Witness.

**Pre-conference Meeting:** To promote a fair and expeditious Administrative Conference, the parties and their Support Persons will attend a pre-conference meeting. The pre-conference meeting assures that the parties and their Support Persons understand the Administrative Conference process and allows for significant issues to be addressed in advance of the Conference. Pre-conference meetings should occur no less than five days prior to the date of the Conference.

**Witness Participation:** Witnesses will be considered the University's Witnesses. Names of Witnesses may be provided by either party or others who may have been involved with the case. Any Witness who has not met with an Investigator will be required to provide a brief written statement outlining the relevant information they will share, no later than the scheduled time of the Pre-conference meeting. The University will determine whether it is appropriate to have a proposed Witness, including those who were previously interviewed by the Investigator, participate in the Administrative Conference.

**Digital Recording:** The Administrative Conference will be audio and/or video recorded and may be transcribed at the University's discretion. This recording is the sole property of the Pennsylvania State University. No other person (including Parties, Support Persons, and Witnesses) is permitted to audio or video record any part of the Conference. Failure by the University to record all or part of an Administrative Conference shall not be grounds for invalidating the Administrative Conference, does not constitute a procedural irregularity, and is not a basis for appeal.

### **Administrative Conference Procedures**

**Participants:** The Administrative Conference is a closed proceeding and is not open to the public. The individuals who may be present during the Administrative Conference are the Decision-maker, Complainant, Respondent, Support Persons to the Complainant and Respondent, Witnesses, and other individuals the Decision-maker may deem necessary or appropriate.

**Non-Attendance by Either Party:** Neither party is required to attend the Administrative Conference. If, despite being notified of the date, time and location of the Administrative Conference, one or both Parties are not in attendance, the Conference may proceed and if applicable, an Action Plan may be imposed.

**Questioning Parties and Witnesses:** The Decision-maker may ask relevant questions of each Party and Witness. Parties are permitted to submit questions for the other party to be asked by the Decisionmaker. Only questions which

are deemed relevant by the Decision-maker will be asked of the party.

Parties may ask questions of each Witness directly. The Decision-maker must determine whether each question is relevant prior to the Witness' response.

**Evidence:** Evidence permitted at the Administrative Conference is limited to only that which is relevant to the alleged misconduct. Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action. Evidence which was not included in the final report may be accepted for consideration at the discretion of the Decision-maker.

If the Decision-maker determines that unresolved issues exist that would be clarified by the presentation of additional information, the Decision-maker may suspend the Administrative Conference in order to obtain such information before resuming the Conference in a timely manner. The Administrative Conference will not be suspended due to the failure of a Witness to appear without good cause or due to the proposed introduction of information that could have been provided during the investigation.

**Structure, Logistics and Rules of Decorum:** The Administrative Conference will proceed according to the structure and rules outlined in Appendix C (Administrative Conference Structure and Logistics) and Appendix D (Rules of Decorum for Administrative Conferences). The Parties and their Support Persons will be provided with these documents, including any anticipated modifications, at the time the Administrative Conference is scheduled. In addition to any rules that specifically apply during the Administrative Conference, Parties and their Support Persons will be expected to continue to adhere to all expectations which are outlined in these procedures.

### **Decision and Action Plan**

It is the responsibility of the Decision-maker to objectively evaluate all relevant evidence prior to making a decision as to whether it is more likely than not (Preponderance of the Evidence) that the violation(s) occurred.

**Consideration Statements:** Within five days of the conclusion of the Administrative Conference, the parties may submit a Consideration Statement to the Senior Director. The Consideration Statement will only be provided to the Decision-maker for consideration if the Decision-maker determines that the Respondent violated University policy.

**Action Plan:** When the Decision-maker intends to find the Respondent in violation, the Decision-maker must consult with the Senior Director regarding the determination of an appropriate Action Plan prior to issuing the Notice of Findings. The Student Code of Conduct includes a list of sanctions and outcomes that may be imposed individually or in various combinations of an Action Plan. A list of factors

and guidelines generally considered in creating the Action Plan can be found in Appendix B.

**Notice of Finding:** Within ten days of the conclusion of the Administrative Conference, the Decisionmaker will issue a written notice of the decision and Action Plan, if applicable, to the Parties. The Notice of Finding will include:

- A general description of the information considered when reaching a decision;
- A statement of, and rationale for, the result as to each allegation, including a decision regarding whether the Respondent is in violation;
- The Action Plan as determined by the Decision-maker, if applicable;
- The University's procedures and bases for Parties to appeal.

**Parent and/or Guardian Notification:** Under the Family Educational Rights and Privacy Act (FERPA), colleges and universities are afforded certain liberties relative to notifying parents or guardians of information concerning their student. In order to involve families in the total educational experience of the student, and to facilitate communication between students and their parents/legal guardians, the Office of Student Accountability and Conflict Response has established a consistent policy regarding parent/guardian notification and disclosure. That policy is available here: <https://studentaffairs.psu.edu/student-accountability/resources-and-faqs/information-families>.

## **VI. APPEALING A FINAL DECISION**

Either party may appeal a final decision, in writing, within five days of the final decision, as follows:

- If the case is resolved by Violation Agreement, the final decision is the Notice of Resolution by Violation Agreement, and the five-day timeline starts to run on the date that Notice is issued. A Party may only appeal the Action Plan (Basis #2, below) when the case is resolved by Violation Agreement.
- If a determination is made by the Decision-maker following an Administrative Conference, the final decision is the Notice of Findings, and the five-day timeline will start to run on the date that Notice is issued.

Information regarding where and how to submit the appeal is specified in the Notice of Findings.

### **Bases for Appeal**

Pursuant to Section V of the Code, Parties may only appeal a final decision on at least one of the following bases:

1. To determine whether there was any procedural irregularity, including bias, that significantly affected the outcome of the matter;
2. To determine whether the Action Plan imposed was appropriate for the violation(s); and/or
3. To consider new information that could alter a decision, only if such information could not have been known to the appealing party at the time of the Administrative Conference.



## **Notice of Appeal**

Upon receipt of the appeal, both parties will be provided written Notice of the appeal, including the name of the designated Appeals Administrator. The non-appealing party has the opportunity to submit a written response to the appeal which solely addresses the identified bases for appeal within five days of that Notice. The appeal and the non-appealing party's response, if any, will be provided to the Appeals Administrator. The Appeals Administrator may not have served as the Investigator or the Decisionmaker in the underlying matter.

## **Scope of the Appeal**

An appeal is limited to the review of any recording of the Administrative Conference and the written case file, which consists of the final investigative report, Notice of Outcome, written appeal, and written appeal response, if any. As such, neither party has the opportunity to meet with the Appeal Administrator.

After reviewing the information submitted by the parties, the Appeal Administrator may request additional information to explain the basis of new information. If information is provided in response to this request, the other party will have an opportunity to review and respond to that information. The Appeal Administrator is permitted to set reasonable timelines regarding responses from both parties.

The Appeal Administrator will consider each basis of appeal and make a decision to grant or deny the appeal within ten business days of the Notice of Appeal. The Appeal Administrator may consult the Senior Director and/or the Director of OSMPR, as appropriate, regarding matters of procedures.

When an appeal is granted, the Appeal Administrator will decide to modify the action plan or send the matter back to the Senior Director with a recommendation for additional fact finding, other resolution, or dismissal of the case. If the appeal was granted based on "new information," the only action that may be taken is to send the case back to the Director with a recommendation for additional fact finding, other resolution, or dismissal of the case.

## **Appeal Decision Letter**

Within five business days of receipt of the Appeal Administrator's review decision, the Senior Director will send an Appeal Decision Letter which outlines the decision and any next steps. The letter will be delivered to both parties.

If the appeal is granted, the decision letter will indicate that:

- The violation decision has been upheld but the Appeal Administrator has modified the Action Plan;
- The Senior Director has decided to dismiss the case;
- The Senior Director has decided to offer an informal or adaptable resolution; or
- The Senior Director has assigned the case to a new Decision-maker to be redecided.

## **Requesting a Stay Pending Appeal**

The Action Plan imposed by the University will remain in effect through the University's appeal process. Exceptions to this rule may be granted if a Party demonstrates irreparable harm if the Action Plan is not stayed pending an appeal.

Parties may request a stay pending appeal by submitting (i) an appeal as described in these procedures and (ii) a petition to stay the Action Plan to the University within ten days of the date the appeal is submitted. The other Party will be notified of the petition to stay the sanction(s) and provided an opportunity to submit a response prior to the University issuing a decision.

The University will decide whether to issue the stay pending appeal taking into account the harm to the moving Party and the impact on the non-moving Party and larger University community. After the University's appeals process has concluded, any Action Plan imposed will take effect. This means the Action Plan imposed by the University will remain in effect through any external appeals process, unless the reviewing body issues a stay of the Action Plan.

## **VII. EXCEPTIONS TO PROCEDURES**

### **Petitions by Complainant or Respondent**

Either Party may request exceptions to these procedures, including requests to extend or shorten timeframes, by submitting a petition for good cause. In order to be considered, petitions must:

- Provide a brief statement regarding the reason for the exception; and
- Be made by the date specified in these procedures and where not specified no later than a date that gives the University a reasonable amount of time to consider the request.

The University has the discretion to grant or deny petitions. Where the outcome of a petition has the potential to impact both Parties, the University may choose to provide the other Party with an opportunity to respond to the petition.

### **Exceptions by the University**

For good cause, the University may also make an exception to these procedures. If an exception is made by the University which significantly impacts timelines or other aspects of the process, the University will send out Notice of the exception within a reasonable time.

### **Petition for Bias or Conflict of Interest**

If a Party believes that an Investigator, Decision-maker, Appeal Administrator, or other individual who makes decisions as part of the process is biased or has a conflict of interest, that Party may make a request for a new individual to be assigned or designated to make the decision in question. Petitions must be submitted to the University as soon as the Party has reason to believe the designated individual is biased, and no later than twenty-

four (24) hours prior to the next relevant meeting with the allegedly biased individual.

The following will not, on their own, be considered sufficient to establish bias:

- The fact that the Investigator has previously or is currently investigating other cases involving the same Party;
- The fact that a Decision-maker has previously decided a case involving the same Party; or
- Previous roles or positions held by the Investigator, Decision-maker, Appeal Administrator, or other University Decision-maker.

A finding of bias will require specific allegations about why the individual cannot be fair or impartial under the circumstances of a particular case. Upon a finding of bias or conflict of interest, the University will assign a new individual to serve in that role or delegate a new person to make the decision.

#### **Appendix A: Glossary of Important Terms**

In addition to the terms below, these procedures incorporate by reference the definitions of the Student Code of Conduct and other University policy.

**Action Plan** – A combination of administrative sanction(s) and educational, reflective, and/or restorative outcomes assigned when there is a violation of the Code, giving consideration to whether the Action Plan will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. An “Action Plan” is intended to promote reflection and growth, repair any harm caused, and help the Respondent recommit to institutional values.

**Appeal Administrator**– A trained and impartial person designated to review appeals of dismissals and/or final decisions subject to these procedures. An Appeals Administrator may not otherwise be involved in the underlying conduct matter.

**Complainant** – A person who is listed in the Formal Complaint as having been subjected to Respondent’s alleged misconduct.

**Consideration Statement** - A written statement submitted by the Respondent and/or Complainant describing any aggravating or mitigating factors which should be considered during the creation of an Action Plan.

**Day** – Unless otherwise specified, the word “day” means “business day” excluding weekends and those days which are designated as holidays by the official University calendar or by action of the University President or Provost.

**Decision-maker** – The trained and impartial person designated by the University to conduct the Administrative Conference, make a decision regarding the alleged

violations based upon a Preponderance of the Evidence and impose an Action Plan, if applicable. When the Respondent may be subject to suspension or expulsion, the Decision-maker may not be the same person as the Case Manager.

**Discriminatory Misconduct** – As defined by the [Student Code of Conduct](#).

**Impacted Party** – Defined in these procedures as someone who has been adversely impacted by the alleged misconduct but does not meet the definition of a Complainant.

**Investigator** - The trained and impartial person designated by the University to meet with the Respondent to discuss the allegations and the conduct process, and to investigate allegations of Discriminatory Misconduct. The Investigator is the “Case Manager” for purposes of the Code.

**Notice** – An official correspondence between the University and the Parties, for example the Notice of Allegations and Investigation, Notice of Dismissal, Notice of Findings, and Notice of Appeal. Unless otherwise noted in these procedures, the official method of communication with all Participants is by Penn State email. All Students and employees of the University are responsible for understanding the content of those emails. Once a communication has been sent to a Student’s or employee’s university email, then the University considers that person to have received Notice of the communication.

**\*\*If a Participant does not have a university email, then the individual will receive Notice through an identified preferred method, such as personal email. If there is no identified preferred method, Notice may be sent via first-class mail and will be considered received three (3) days after it was sent.**

**Participant** – Any Party or Witness or other Participant in the student conduct process, including any Support Person.

**Preponderance of the Evidence** – The standard of proof that applies to student conduct violation decisions. It means that the evidence supports a conclusion that it is more likely than not that the violation occurred.

**Report** – Information received officially by the University from a Mandatory Reporter, or from the Complainant directly, or from any other source that gives the University actual knowledge that Discriminatory Misconduct or related violation(s) may have occurred.

**Respondent** – The person alleged to have violated the Student Code of Conduct.

**Senior Director** – The Senior Director of Student Conduct or the person serving as their designee.

**Support Person** – A person of the Party’s choosing, who may but is not required to be an attorney, designated to

provide support, advice, or guidance throughout the process. Unless specifically stated otherwise, a person designated as a Party's Support Person is also that Party's Support Person for purposes of the Code.

Student – Any person with Student status as defined by the [Student Code of Conduct](#).

Witness - An individual who may have information relevant to the incident, including individuals who may have observed the alleged behavior, may be able to provide contextual information, or may have other information related to the incident. The University may identify Witnesses independent of the proposal of Witnesses by the Respondent or any Complainant.

### **Appendix B: Action Plan Guidance**

The Decision-maker will create an Action Plan utilizing the guidelines and criteria outlined below. The Action Plan will consist of administrative sanction(s) and educational, reflective, and/or restorative outcomes, the Code. The Decision-maker may consult with the Senior Director and/or other University Officials, as appropriate, while creating the action plan.

Each Action Plan will be individualized to the circumstances of the violation and the development needs of the Respondent, giving consideration to whether the Action Plan will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation.

### **Criteria for Determining Administrative Sanctions**

Administrative sanctions may include, without limitation, conduct warning, conduct probation, suspension, expulsion, housing contract termination, or any other administrative sanction deemed to be appropriate. To determine what administrative sanction(s) should be applied, the University will consider the following factors:

- The violation specific guidance outlined in this document;
- The nature of the misconduct, including the severity, persistency, and/or pervasiveness of the behavior;
- The level of risk and/or harm of the respondent to self, others, and/or property;
- Whether the respondent has previously been found in violation of the Code;
- The developmental needs of the respondent;
- Whether a particular sanction is necessary in order to eliminate the misconduct, prevent its recurrence, and remedy its effects on others; and/or
- Any other mitigating, aggravating, or compelling circumstances which should be considered to reach a proportional and appropriate resolution in each case.

Aggravating and mitigating circumstances are compelling facts that may enhance or reduce the Action Plan. Examples include:

- Committing a violation of the Code while voluntarily under the influence of alcohol and/or other drugs is not

considered a mitigating factor but may be considered an aggravating factor, when appropriate.

- An Act of Bias, as defined by the Code, is especially intolerable in view of the University's commitment to creating an educational environment which is respectful and welcoming for all members of the community and should be considered as a significant aggravating factor.
- The decision-maker may consider level of intent, demonstrated remorse, and the respondent's understanding of their impact on others as either a mitigating or aggravating factor. In some cases, a respondent's level cooperation during the incident may be considered a mitigating factor.

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

As appropriate, the Decision-maker may apply educational, reflective, and restorative outcomes based on the specific needs of each case. Outcomes are designed to promote personal reflection and growth, prevent further misconduct, repair any harm caused, and help the Respondent realign with institutional values. For more information, please see the [Student Code of Conduct](#).

### **Appendix C: Administrative Conference Structure and Logistics**

#### **Structure of the Administrative Conference**

The basic structure of the Administrative Conference follows the format below. The Decision-maker may adjust the sequence as necessary to ensure fairness. The Parties and their Support Persons will be provided with this document, including any adjustments, at the time the Administrative Conference is scheduled.

1. The Parties, and any other attendees, are asked by the Decision-maker to introduce themselves.
2. The Decision-maker will address the Parties and provide information about procedures and expectations during the Administrative Conference, as well as announce the Witnesses who will be participating in the Conference.
3. The Complainant is permitted to present a brief opening statement, describing the incident(s), of 10 minutes or less. The statement must be limited to the specific reported incident(s) as stated in the Notice of Allegations and Investigation.
4. The Decision-maker may ask relevant questions of the Complainant.
5. The Respondent may pose questions to be asked of the Complainant. Questions deemed relevant by the Decision-maker will be asked of the Complaint by the Decision-maker.
6. The Respondent is permitted to present a brief opening statement, describing the incident(s), of 10 minutes or less. The statement must be limited to the specific reported incident(s) as stated in the Formal Complaint.
7. The Decision-maker may ask relevant questions of the Respondent.
8. The Complainant may pose questions to be asked of the Respondent. Questions deemed relevant by the Decision-maker will be asked of the Respondent by the Decision-maker.



9. One at a time, the Investigator, and then each Witness, may be questioned by the Decisionmaker, then by the Complainant, and finally the Respondent. Once a Witness has been dismissed, they may not be recalled for additional questions absent a showing of good cause.
10. The Decision-maker may ask additional relevant questions of the Parties.
11. The Complainant is permitted to present a closing statement of 5 minutes or less. This statement may include a response to any information presented during the hearing that the Complainant did not have the opportunity to address previously.
12. The Respondent is permitted to present a closing statement of 5 minutes or less. This statement may include a response to any information presented during the hearing that the Respondent did not have the opportunity to address previously.
13. The Decision-maker thanks the Participants and ends the Administrative Conference.

### **Administrative Conference Logistics**

Unless otherwise specified, the Administrative Conference will be held using the Zoom video conferencing platform. It is important to carefully review the Zoom logistics below and to ask any questions about Zoom logistics in advance.

Participants will receive a link to be used for logging onto the Zoom session. At the date and time specified, the parties should join the Administrative Conference using the Zoom link. It is helpful to check well in advance of the conference to ensure that you are using the most up-to-date version of Zoom. Instructions for checking and updating your version of Zoom can be found on the [Zoom support website](#).

In order to provide an opportunity to work out any technical issues, we ask that Complainant and Complainant's Support Person join the Zoom session approximately 20 minutes before the scheduled start time of the conference and ask that Respondent and Respondent's Support Person join the Zoom session approximately ten minutes before the scheduled start time of the conference. The staggered start times will provide time for each Party to ensure that Zoom is working correctly before the conference begins.

After logging into Zoom, a notification will appear indicating that you are waiting for the host to admit you into the conference. Please continue waiting until you are admitted into the conference.

While the conference is in session, we will be recording using the Zoom software. The recording shall be the sole property of The Pennsylvania State University. No other person (including the Respondent, a Complainant, a Witness, and/or an Advisor) is permitted to record any part of the Conference. Failure by the University to record all or part of an Administrative Conference shall not be grounds for invalidating the Administrative Conference, does not

constitute a procedural irregularity, and is not a basis for appeal.

All Participants will be on mute when first entering the conference and we request that the parties and their Support Persons keep their outgoing audio turned off during the conference except at times when called upon to speak. Zoom will initially be set to allow conference Participants to mute and unmute themselves, but that setting can be changed if it is abused.

The Decision-maker and Parties must be able to see and hear a Participant when that Participant is speaking. The conference facilitator will set up break-out rooms in Zoom for each party and their Support Person to use to privately confer. While the conference is in session, we will be recording using the Zoom software, but the break-out rooms are not recorded. A notification on the Zoom screen shows when Zoom is and is not recording. Zoom contains a chat feature. We ask that Participants refrain from using the chat feature during the conference unless responding to a communication from the Decision-maker.

### **Appendix D: Rules of Decorum for Administrative Conferences**

The purpose of the Rules of Decorum is to provide clear expectations for the behavior of all Participants and to provide clear notice of the consequences for failure to adhere to these expectations.

#### **Rules for Participation**

1. All Participants are expected to treat each other and the Decision-maker with respect.
2. It is expected that all Participants will be honest and forthright throughout the Administrative Conference.
3. Abusive behavior will not be tolerated.
4. Actions reasonably intended to intimidate another Participant or cause them to cease or alter their participation may constitute retaliation.
5. Party statements should be directed to the Decision-maker, not the other Party. Answers to questions should be directed to whomever asked the question. Support Persons may not speak to the other Party or any Witness during the Administrative Conference.
6. Participants will not yell, use profanity, or aggressive/ bullying language unless such language is part of the information they are providing in response to a question.
7. During the Administrative conference, Participants will not communicate with anyone outside the Administrative Conference regarding anything related to the Administrative Conference; this includes text messages, social media messaging or posting; etc.
8. Parties or their Support Persons may request reasonable breaks. The Decision-maker may set limits on the number, timing, and duration of breaks.
9. When the Administrative Conference occurs virtually, it is expected that:
  - a. Participants will not share the provided virtual access information with anyone. Each Party,

Support Person, and Witness will receive a separate invitation to join.

- b. Only the Party will be in the physical room from which they are joining virtually (unless with their Support Person).
- c. Only the Support Person will be in the physical room from which they are joining virtually (unless with the Party).
- d. Only the Witness will be in the physical room from which the Witness joins virtually.

### Rules for Questioning

1. Questions must be neutral in tone.
2. Questions should be designed to obtain direct observations or facts, not personal opinions.
3. Questions may not include accusations within the text of a question.
4. Witnesses must wait to answer any question from a Party until the Decision-maker has determined whether the question is relevant.
5. Questions may not be repetitive. When the Decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the Party must move on. The Decisionmaker has the sole authority to determine the relevancy of questions.
6. Generally, questions about the Complainant’s past sexual history or questions about privileged information will be deemed irrelevant, unless a specific exception exists.
7. A Party may not yell at, scream at, or badger a Witness.

### Consequences for Non-compliance

If the Decision-maker determines that a Participant has violated these Rules of Decorum, the Decisionmaker will provide the Participant with one opportunity to correct their behavior. If the Decision-maker determines that the Participant continues to violate these Rules, the Decision-maker may either limit that individual’s participation moving forward or remove the individual from the Administrative Conference. For repeated violations and/or egregious behavior, a Support Person may be prohibited from serving as a Support Person in University processes.

If a Support Person is removed from the Administrative Conference, that Party may either select a new Support Person or continue the Administrative Conference without a support person. If the Party would like to select a new support person, the Administrative Conference, or the rest of the Administrative Conference may be postponed if necessary. Any actions taken by the Decision-maker regarding violation of these Rules or removal of Participants will be documented.

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

### Discrimination and Harassment Complaint Procedures

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

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

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

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

### The Affirmative Action Office

328 Boucke Building  
University Park, PA 16802  
(814) 863-0471  
Affirmativeaction.psu.edu

## Relevant Definitions

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

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

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

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

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

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

It is the Complainant's and Respondent's decision whether to seek the advice of an attorney, at their own expense, if they feel they need legal advice. Although anyone may seek legal advice, AAO communicates and interacts only with the parties and any witnesses, not with their attorneys. Legal counsel for the Complainant or Respondent is not

permitted to participate in the informal complaint resolution processes or the formal investigative process.

## Initial Assessment

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

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

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

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

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

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

Interim Measures may include emotional support and counseling with a confidential resource, modifications of work or course schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, no-contact directives, and other similar measures. The University must maintain as confidential any Interim Measures provided to the Complainant or Respondent to the extent that



maintaining such confidentiality would not impair the ability of the University to provide the Interim Measures. The Investigator is responsible for coordinating the effective implementation of Interim Measures.

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

### **Administrative Leave**

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

### **Request for Informal Resolution**

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

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

- A meeting between the employee alleged to have engaged in the conduct and their Human Resources Strategic Partner or Consultant. The purpose of this meeting will be to discuss the alleged behavior and review policy with the employee. A letter of conversation or other documentation memorializing the meeting will be provided to the employee and the AAO. If there is a known Complainant, the AAO will notify the Complainant regarding the resolution of the matter consistent with university policies governing the release of personnel records information (see University Policy HR60).
- A meeting with an AAO staff member. The purpose of this meeting will be to discuss the alleged behavior and review policy with the employee. A letter of

conversation or other documentation memorializing the meeting will be provided to the employee's supervisor and HR Strategic Partner. If there is a known Complainant, the AAO will notify the Complainant regarding the resolution of the matter consistent with university policies governing the release of personnel records information (see University Policy HR60).

- Attendance at a relevant training or educational program. Upon review of the behavior, the AAO may determine that the employee should receive additional training. These trainings will be offered at no cost to the employee utilizing University resources.

### **Request for Formal Investigation**

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

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

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

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

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

In all formal investigations, the burden of gathering facts and evidence rests solely with the University and not the individual parties. The parties are encouraged to provide all

information to the Investigator that is directly related to the allegations. Such information may include the names of potential witnesses and documentary evidence such as employee performance evaluations, course grades or written evaluations, emails, text messages, pictures/videos, and other similar electronic or hard copy communications. The information may also include, in some cases, medical, psychological, or other treatment records provided that the party provides the investigator with written consent to consider and include the treatment records in the investigation.

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

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

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

### **Notice of Investigation**

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

- A description of the alleged behavior including the names of relevant parties, description of the alleged

offending behavior(s) and the date, time, and locations of the incident(s), if known. It will also include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigative process.

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

### **Amended Notice of Investigation**

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

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

### **Investigative Report**

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

### **Letter of Finding**

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

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

### **Sanctions and Corrective Action**

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

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

- Termination from the University
- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated training/education
- Written reprimand in personnel file
- Removal from classroom teaching
- Tenure revocation
- Withhold salary increase (from one to several years)

- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position

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

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

### **Third Party Respondents**

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

### **Review Rights of Parties**

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

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

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

If a faculty member, academic administrator or other academic employee who is a Complainant or Respondent is not satisfied after completion of the AAO process, the employee may request a review of the case by the Vice



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

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

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

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

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

### Record-Keeping Provision

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

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

For record requests involving Title IX, the parties may request to inspect and review the records for a closed matter at any time during the retention period. The University will provide the parties with access to the records within a reasonable timeframe, not to exceed forty-five (45) days from the date of the request.



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

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

### **Administrative Sanctions:**

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

### **University Housing Action:**

- **HOUSING REASSIGNMENT:** The Student is relocated to an alternate residence hall assignment.

- **LOSS OF HOUSING:** The Student is ineligible to reside in university owned or operated housing for a designated period of time. During this designated period, the Student may not be present in any private residential areas, such as a resident's room or suite, of any University owned residence hall or apartment building. If applicable, the Student is removed from any current and/or future residence hall assignment. This sanction requires administrative review and approval by the Senior Director of Residence Life.
- **LOSS OF PRIVILEGES:** The Student or Student Organization is denied specified privileges normally associated with Student status or recognized Student Organization status, such as participation in or sponsorship of University Sponsored Activities or use of university property or facilities.
- **RESTITUTION:** The Student is required to replace or restore damaged, stolen, or misappropriated University property.

### **Conditional Administrative Sanctions:**

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

### **Other Administrative Actions:**

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

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

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

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

- Employee termination from the University
- Unpaid suspension
- Restrictions from all or portions of campus



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

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

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

### **Sex Offender Registration — Campus Sex Crimes Prevention Act Megan's Law**

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

## **EDUCATION AND PREVENTION PROGRAMS**

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

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

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

- Student Affairs campus training and inclusion of campus resources from the Gender Equity Center web page:: <http://studentaffairs.psu.edu/genderequity>

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

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

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

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

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

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

## Help Reduce Your Risk and Avoid Potential Attacks

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

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

## Sexual Assault Prevention (From RAINN)

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured
- Avoid group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours

## Traveling around campus (walking)

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

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

Stand for State is Penn State’s bystander intervention initiative which focuses on interrupting situations related to sexual and relationship violence, mental health concerns, acts of bias, and risky drinking. It launched university-wide in January 2016 and is built upon the premise that in order to reduce harm on campus, a cultural shift is necessary.

There are two ways that bystanders can take action and contribute to that cultural shift:

### **1. Reactive Choices: The 4D’s are options a bystander can use to respond to concerning situations in a safe and effective way.**

**Direct:** Directly interact with the people involved in the situation and acknowledge concern.

- Options to interrupt sexual violence
  - Grab some friends and check in together
  - “Are you ok?”
  - “I don’t think you should hook up with that person. They seem drunk.”
- Options to interrupt acts of bias
  - “I don’t know if you intended your comment to come across that way, but I understood it as you are implying...”
  - “Are ALL\_\_\_really like that? That’s not my experience.”
  - “Are you okay? I want to let you know I don’t agree with what that person said. Can I be supportive in some way?”

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

- Options to interrupt sexual violence
  - Say their friends have been looking for them
  - Just stick around and don’t leave the two alone
  - Offer an alternative activity that separates the two



- Options to interrupt acts of bias
  - Act like you know the target and act like you are inviting them to get coffee to give them an opportunity to leave the situation.
  - Change the topic of conversation, then follow up later to address the issue with them

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

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

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

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

No one can do everything, but everyone can do something. When enough people do things to show that they do not tolerate violence and harm at Penn State, it will create an environment where fewer people are hurt.

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

### University-wide Programs: April 2021-March 2022

*Interrupting sexual and relationship violence:*

*Provided 181 programs to 4,860 participants*

*Interrupting acts of bias and discrimination:*

*Provided 22 programs to 466 participants*

## Crime Prevention and Safety Awareness Programs

In an effort to promote safety awareness, the University Police maintains a strong working relationship with the Penn State community. This relationship includes offering a variety of safety and security programs and services and crime prevention programming. If you or your organization would like to request a specific program, please visit

[www.police.psu.edu/community-policing](http://www.police.psu.edu/community-policing). Programs below are not available at all campuses; based upon police services available at your campus.

### Active Attacker Response Program

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

### Alcohol Awareness

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

### Domestic Violence Awareness

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

### Safety and Security for Office Personnel

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

### Who We Are and What We Do

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

### Drug Awareness

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

### Sexual Assault Awareness and Prevention

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

### Scamming and Phishing Safety

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

### Nighttime Patrol Request

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

### Virtual Meeting Safety

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

### Penn State Safe and Aware

Penn State Safe and Aware is an online module that uses research-based strategies to educate students about alcohol and sexual misconduct. The module includes information the effects of alcohol on the body and state laws and university policies related to alcohol consumption. Students learn about relationship violence, sexual assault, stalking and sexual harassment as well as the university

polices and state laws for these issues. All incoming first-year students who are 21 and younger are required to complete the full module. Incoming first-year students who are 22 and over are required to complete the sexual misconduct section of the module. The module helps students develop practical skills to help keep themselves and their friends safe.

2021-2022: 7384 students from University Park and 5161 students from other campuses completed the alcohol section. 7434 students from University Park and 5334 students from other campuses completed the sexual misconduct section.

## CAMPUS SECURITY POLICIES

### **Behavioral Threat Management Team**

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

### **Weapons Policy**

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

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

### **Pennsylvania Crime Victim Rights**

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

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

You have the right to be told... . . .

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

You have the right to receive.... . . .

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

You have the right to provide input... . . .

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

Please see the resource list for local victim assistance options.

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

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

### **Anti-Hazing Policy**

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

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

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

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

5. Endure brutality of a sexual nature;
6. Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.

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

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

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

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

### Reporting Violations of Hazing

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

#### For any hazing related concerns:

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

Penn State Hotline: 1-800-560-1637 Available 24/7  
Phone: 814-867-5088  
Email: [psoec@psu.edu](mailto:psoec@psu.edu)  
Website: <https://universityethics.psu.edu>

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

Office of Student Accountability & Conflict Response  
120 Boucke Building University Park, PA 16802  
Phone: 814-863-0342  
Online Report:

[cm.maxient.com/reportingform.php?PennState&layout\\_id=0](http://cm.maxient.com/reportingform.php?PennState&layout_id=0)  
Email: [studentconduct@psu.edu](mailto:studentconduct@psu.edu)  
Website: <http://studentaffairs.psu.edu/conduct>

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

#### For concerns related to employees:

PSU Human Resources – Labor and Employee Relations  
The 331 Building, University Park, PA 16802  
Phone: 814-867-0041

### Enforcement

Reported allegations of hazing will be investigated by the University, or other appropriate investigating agencies, and, if violations are found, individuals and organizations will be held accountable by the relevant University entity that has authority over the individual (e.g., Office of Student Accountability & Conflict Response or University /Unit Leadership).

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

### University Report

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

### Student Accountability

#### The Office of Student Accountability & Conflict Response

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

#### The Student Code of Conduct

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

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

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

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

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

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

### **Interim Action**

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

### **Conduct Review**

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

### **Additional Information Regarding the Student Code of Conduct**

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

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

## **Parental and/or Guardian Notification Policy**

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

The goals of this policy are:

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

This policy does not restrict or limit the University's discretion to make any notifications and disclosures which are permitted by FERPA. For more information about this policy, please review:

<https://studentaffairs.psu.edu/student-accountability/resources-and-faqs/information-families>.

## **Missing Student Policy**

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

### **DEFINITIONS:**

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

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

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

### **POLICY:**

The Pennsylvania State University will provide every student living in on campus student housing the opportunity and means to identify a missing student contact to be used in the event the student is reported missing. Missing student contact information will be registered confidentially and will be accessible only to authorized University officials



and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

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

Students will be notified annually that each residential student at the University has the option to confidentially designate an individual to be contacted by the Penn State administration no later than 24 hours after the time that it is determined the student is missing. Penn State provides each student with the means and opportunity to register their confidential missing student contact information by logging into the University's LionPATH system and filling out the Address and Contact Information. This confidential missing student contact can be anyone. This option is provided to students even if a student has already registered an individual as a general emergency contact. The student also has the option to identify the same individual for both their general emergency contact and missing student contact.

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

#### **PROCEDURES:**

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

- AVP or his/her designee will attempt to contact the student through all reasonable and available means.
- University Police will investigate the validity of the missing person report and manage the information according to its established investigative standards.
- University Police may notify appropriate University personnel and seek their aid in the investigation (e.g. Student Affairs, Residence Life, Counseling and Psychological Services, etc.)
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, University Police will notify local law enforcement agencies within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

If, within 24 hours of the report, University Police is unable to locate the missing student and the student is not known to have returned to the University or otherwise located, University Police will notify the AVP and he/she or his/her designee will take the following action(s):

- The AVP or his/her designee will promptly notify the individual the student has designated as his/her missing person contact and document the date and time of the notification.
- If the missing student is under 18 years of age and not an emancipated individual, the AVP or his/her designee will also notify the student's custodial parent or guardian and document the date and time of the notification.

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

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

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

#### **FURTHER INFORMATION:**

While this policy applies only to students living in on campus student housing, reports of students missing from off-campus residences will be referred to the police department having jurisdiction over the student's local residence, if known, or the student's permanent residence if a local residence cannot be determined, and the University will cooperate within its legal limitations with any subsequent investigation. The Missing Student Policy, SY42, can be found at: <https://policy.psu.edu/policies/sy42>.

## **UNIVERSITY CONTACT FOR MISSING STUDENTS**

### **Penn State Fayette Campus**

Director of Student Services, Student Affairs  
Williams Building, Office 016A  
2201 University Drive  
Lemont Furnace, PA 15456  
724-430-4248

### **University Police and Public Safety**

Eberly Building #10  
2201 University Drive  
Lemont Furnace, PA 15456  
724-430-4120

### **Assistant to Finance and Business Director**

106 Williams Building  
2201 University Drive  
Lemont Furnace, PA 15456  
724-415-9342

## Daily Crime Log

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

## Fire Safety

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

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

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

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

## PENN STATE UNIVERSITY POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

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

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

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

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

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

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

### Policies Specific to Faculty and Staff

As a condition of University employment, every employee shall abide by the terms of AD 33 A Drug-Free Workplace. Under AD33, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance on property owned, leased or controlled by the University and used in the performance of University services are prohibited. Any employee who violates this policy is subject to Penn State sanctions, including dismissal, as well as criminal sanctions provided by federal, state, or local law. An employee may be required to participate in a drug abuse or drug rehabilitation program. An employee must notify his or her supervisor of any criminal drug conviction for a violation occurring in the University workplace no later than five (5) days after such conviction. Please consult Policy AD33, A Drug-Free Workplace for more information (<https://policy.psu.edu/policies/ad33>).

### Policies Specific to Penn State Students

Any student who violates the University's alcohol and drug policy is subject to disciplinary action including sanctions as outlined in the Student Code of Conduct in addition to any penalties resulting from violating local, state, and/or federal law. Students who are found responsible for violations may be subject to sanctions ranging from Formal Warning or

Conduct Probation to Suspension or Expulsion from the University. Students residing in University housing may also lose the privilege of living on campus for violating University rules and regulations or conditions of the housing contract. In most cases, the Office of Student Accountability & Conflict Response will also assign educational, reflective, and/or restorative outcomes intended to promote reflection and growth, repair any harm caused, and help the student recommit to institutional values.

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

### *Penn State's Smoking and Tobacco Policy*

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

### *Pennsylvania Alcohol-Related Offenses*

#### *Pennsylvania's Medical Amnesty Law*

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

medical amnesty law, you cannot be charged with underage drinking. You could still be charged with other offenses, such as public drunkenness.

## **Alcohol Poisoning is a Medical Emergency.**

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

**ON-CAMPUS: 430-4120 OFF-CAMPUS: 911**

#### **Know the signs:**

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

#### **Know how to help:**

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

### **Penn State's Responsible Action Protocol**

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

The criteria which invoke the Protocol are:

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

## Underage Drinking

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

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

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

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

## Carrying False I.D.

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

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

## Public Drunkenness

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

Public drunkenness also leads to other behaviors and important health concerns. Often, public drunkenness contributes to many criminal mischiefs and disorderly conducts on campus. People must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

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

## Driving Under the Influence (DUI) Law

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

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

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

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

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

## Selling or Furnishing Alcohol to Minors

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

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



## Open Container Law

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

## Related Drug Offenses

### Possession of Marijuana

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

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

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

### Pennsylvania's Medical Marijuana Act

Pennsylvania's Medical Marijuana Act went into effect on May 17, 2016. However, marijuana in any form remains a prohibited controlled substance under federal law, and therefore the possession, cultivation, and use by individuals remain illegal under federal law. The Pennsylvania Medical Marijuana Act conflicts with federal criminal laws governing controlled substances, as well as federal laws requiring institutions receiving federal funds, by grant or contract, to maintain drug-free campuses and workplaces. Penn State

receives federal funding that would be in jeopardy if those federal laws did not take precedence over state law. Therefore, the use and/or possession by individuals of marijuana in any form and for any purpose continues to violate applicable University policies, and any student or employee who violates such policies may be subject to disciplinary sanctions.

### Possession of Other Drugs

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

### Possession of Drug Paraphernalia

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

### Synthetic Marijuana

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



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

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

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

## Federal Tracking Penalties — Marijuana

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

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

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

## Federal Tracking Penalties

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

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

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

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

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



## Drug Risks and Consequences

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

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



## Drug and Alcohol Abuse Education Programs

### Resources for Faculty and Staff

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

- Penn State benefits-eligible employees can reach Health Advocate 24 hours a day, 7 days a week, by calling 866-799-2728. Employees can also email [answers@HealthAdvocate.com](mailto:answers@HealthAdvocate.com) or access their webpage at <https://members.healthadvocate.com/>

- Any employee or supervisor with questions related to suspected substance abuse at work by a colleague or employee may contact Labor and Employee Relations at 814-867-0041.



### Resources for Students

Campus Resources		
Counseling and Physiological Services		
Personal Counseling Services: -Intervention -Referral	Williams Building, Room 108H	740-430-4122
Disability Services: Services: -Academic adjustments -Auxiliary aids	Williams Building, Office 104A	724-430-4137
Office of Student Accountability & Conflict Response- Chad Long	Williams Building, Room 016A	724-430-4248
Health Services	Williams Building, Office 104	724-430-4137
Human Resources	Williams Building, Office 112	724-430-4116

Community Resources		
Fayette County Crisis Line	<a href="http://www.fcbha.org">http://www.fcbha.org</a>	724-430-1370
Fayette County Drug and Alcohol	<a href="http://www.fcdaa.org">http://www.fcdaa.org</a>	724-438-3576
Fayette County Crime Victims Center	<a href="https://www.crimevictimscenter.com/">https://www.crimevictimscenter.com/</a>	724-437-3737
Domestic Services of Fayette County	<a href="http://peacefromdv.org">http://peacefromdv.org</a>	724-439-9500
Fayette County/Chestnut Ridge 24- Hour Crisis Hotline		724-437-1003
Fayette County Community Action Agency	<a href="http://fccaa.org">http://fccaa.org</a>	724-437-6050
Behavioral Threat Hotline		1-855-863-2868

# ANNUAL DISCLOSURE OF CRIME STATISTICS

While Penn State University Fayette, The Eberly Campus, is a reasonably safe environment, crimes do occur. In addition to the Clery Act crimes statistics, other common crimes that occur on campus are outlined below.

## Theft

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

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

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

## Identity Theft

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involves fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information. Persons involved in identity theft often use computers or other forms of media to assist them.

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

- Do not give anyone your personal information unless there is a legitimate reason to trust them.

- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use security software and install firewalls on computers.

## Clery Act Crimes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pennsylvania does not have a specific crime of dating violence.

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

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

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

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

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

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

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

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

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

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

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

**Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

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

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

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

**Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

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

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

**On-Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

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

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

**Non-Campus** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

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



## CRIME STATISTICS: CLERY DATA

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

Offense	2019				2020				2021			
	On-Campus Property		Public Property	Non-Campus	On-Campus Property		Public Property	Non-Campus	On-Campus Property		Public Property	Non-Campus
	Residence Hall	Total On Campus			Residence Hall	Total On Campus			Residence Hall	Total On Campus		
Murder/ Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

VAWA OFFENSES												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	1	0	0	0	0	0	0	0	0	0	0
Stalking	0	2	0	0	0	0	0	0	0	3	0	0

ARRESTS												
Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0

REFERRALS												
Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	1	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0

No hate crimes reported in 2019, 2020, and 2021.  
 No unfounded crimes in 2019, 2020, and 2021.

# Pennsylvania Uniform Crime Report Act

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

CAMPUS: Fayette, The Eberly Campus PART I OFFENSES	2019			2020			2021		
	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA
<b>CRIMINAL HOMICIDE</b>	0	0	0	0	0	0	0	0	0
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
<b>FORCIBLE RAPE</b>	0	0	0	0	0	0	0	0	0
Rape by Force	0	0	0	0	0	0	0	0	0
Assault to Rape - Attempts	0	0	0	0	0	0	0	0	0
<b>ROBBERY</b>	0	0	0	0	0	0	0	0	0
Firearm	0	0	0	0	0	0	0	0	0
Knife or Cutting Instrument	0	0	0	0	0	0	0	0	0
Other Dangerous Weapon	0	0	0	0	0	0	0	0	0
Strong Arm (Hands, Feet, etc.)	0	0	0	0	0	0	0	0	0
<b>ASSAULT</b>	0	0	0	0	0	0	0	0	0
Firearm	0	0	0	0	0	0	0	0	0
Knife or Cutting Instrument	0	0	0	0	0	0	0	0	0
Other Dangerous Weapon	0	0	0	0	0	0	0	0	0
Hands, Fists, Feet, etc.	0	0	0	0	0	0	0	0	0
<b>BURGLARY</b>	0	0	0	0	0	0	0	0	0
Forcible Entry	0	0	0	0	0	0	0	0	0
Unlawful Entry - No Force	0	0	0	0	0	0	0	0	0
Attempted Forcible Entry	0	0	0	0	0	0	0	0	0
<b>LARCENY - THEFT (Exc. Motor Vehicles)</b>	0	0	0	0	0	0	0	0	0
<b>MOTOR VEHICLE THEFT</b>	0	0	0	0	0	0	0	0	0
Autos	0	0	0	0	0	0	0	0	0
Trucks and Buses	0	0	0	0	0	0	0	0	0
Other Vehicles	0	0	0	0	0	0	0	0	0
<b>ARSON</b>	0	0	0	0	0	0	0	0	0
<b>TOTAL PART I OFFENSES</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAMPUS: Fayette, The Eberly Campus	2019			2020			2021		
	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA	ACTUAL OFFENSES	*CRIME RATE	ARREST DATA
<b>PART II OFFENSES</b>									
Assaults - Non-Aggravated	0	0	0	0	0	0	0	0	0
Forgery and Counterfeiting	0	0	0	0	0	0	0	0	0
Fraud	0	0	0	0	0	0	0	0	0
Embezzlement	0	0	0	0	0	0	0	0	0
Stolen Prop., Rec., Possess., etc.	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	1	146	0	2	312	1
Weapons, Carrying, Possess., etc.	0	0	0	0	0	0	0	0	0
Prostitution & Commercialized Vice	0	0	0	0	0	0	0	0	0
Sex Offenses (Exc. Prostitution & Rape)	0	0	0	0	0	0	0	0	0
<b>Drug Abuse Violations</b>	0	0	0	0	0	0	0	0	0
S Opium-Cocaine	0	0	0	0	0	0	0	0	0
A Marijuana	0	0	0	0	0	0	0	0	0
L Synthetic	0	0	0	0	0	0	0	0	0
E Other	0	0	0	0	0	0	0	0	0
P Opium-Cocaine	0	0	0	0	0	0	0	0	0
O Marijuana	0	0	1	0	0	0	0	0	0
S Synthetic	0	0	0	0	0	0	0	0	0
S Other	0	0	0	0	0	0	0	0	0
<b>Gambling</b>	0	0	0	0	0	0	0	0	0
Book Making	0	0	0	0	0	0	0	0	0
Numbers, etc.	0	0	0	0	0	0	0	0	0
<b>Offenses Against Family &amp; Children</b>	0	0	0	0	0	0	0	0	0
<b>Driving Under the Influence</b>	0	0	0	0	0	0	0	0	0
<b>Liquor Laws</b>	0	0	0	0	0	0	0	0	0
<b>Drunkenness</b>	0	0	0	0	0	0	0	0	0
<b>Disorderly Conduct</b>	3	427	0	0	0	0	0	0	0
<b>Vagrancy</b>	0	0	0	0	0	0	0	0	0
<b>All Other Offenses (Exc. Traffic)</b>	0	0	0	0	0	0	1	156	0
<b>TOTAL PART II OFFENSES</b>	<b>3</b>	<b>427</b>	<b>1</b>	<b>1</b>	<b>146</b>	<b>0</b>	<b>3</b>	<b>467</b>	<b>1</b>
<b>TOTAL PART I &amp; PART II OFFENSES</b>	<b>3</b>	<b>427</b>	<b>1</b>	<b>1</b>	<b>146</b>	<b>0</b>	<b>3</b>	<b>467</b>	<b>1</b>

### Fayette, The Eberly Campus

2021: Employees	117
Students	525

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

Footnote: These statistics comply with the Pennsylvania State Law.

## IMPORTANT PHONE NUMBERS

### **Penn State Police/Fire/EMS**

814-863-1111  
911  
Eisenhower Parking Deck, University Park PA 16802

### **Penn State Fayette University Police and Public Safety**

724-430-4120  
911  
2201 University Drive, Lemont Furnance PA 15456

### **Pennsylvania State Police**

724-439-7111  
911

### **Penn State Fayette Health Services**

Williams Building, Office 104  
724-430-4137

### **Penn State Fayette Personal Counseling**

Williams Building, Office 108H  
724-430-4122

### **Fayette County Crisis Intervention**

724-430-1370

### **MedExpress Urgent Care**

724-439-3627

### **Uniontown Hospital**

724-430-5000

### **Environmental Health and Safety**

814-865-6391  
301 Steam Services Building  
Steam Drive  
University Park, PA. 16802

## PSUAlert

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

### **IN CASE OF EMERGENCY**

**DIAL: 911**

***on any telephone***

If you are on campus, you can reach University Police and Public Safety by dialing 724-430-4120 from any phone.

## Register to Vote

All students are urged to register to vote in local, state, and national elections. Go to:

<https://www.pavoterservices.pa.gov/pages/VoterRegistrationApplication.aspx> to apply.