



2019 ANNUAL SECURITY AND FIRE SAFETY REPORT

2019-2020 Academic Year

Includes Crimes Statistics for Calendar Years (CYs) 2016, 2017 & 2018



MERCYHURST

UNIVERSITY

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MERCYHURST UNIVERSITY 2019/2020 ANNUAL SECURITY AND FIRE SAFETY REPORT

The Mercyhurst University Erie campus consists of 80 buildings on about 74 acres of land in the City of Erie, Pa. It is bordered to the north by East 38th Street, to the south by the Sisters of Mercy Mother House and Mercyhurst Preparatory School on East Grandview Boulevard, to the west by Parade Street Boulevard, and to the east by Wayne Street.

Mercyhurst University enrollment for the 2018-2019 academic year was approximately 2616 students. The student body is approximately 59.3% women and 40.7 % men. For the fall 2018 semester, there were 2529.3 full-time equivalent (FTE) students at the University, and 68.4% of those students lived in University-owned, -recognized, -rented, -leased, or otherwise controlled housing. Additionally, there were 392.3 full-time equivalent (FTE) employees (faculty and staff combined) at the University.

The Mercyhurst University Police Department strives to create an environment that is conducive to good living and learning by supporting the Mercyhurst University mission, and by recognizing the individual's right to pursue their personal goals. The Mercyhurst University Police Department enforces state, and federal laws, and Mercyhurst University rules and regulations, and at the same time strives to protect the rights of each and every individual. The Mercyhurst University Security Department was founded in 1971, and in August 1998 became the Department of Police and Safety. Today, the Mercyhurst University Police Department remains committed to its original mission of providing a safe and secure environment for the entire University community. The Mercyhurst University Police Department is comprised of A Chief of Police, Deputy Chief, Patrol Lieutenant, Patrol Sergeant, along with seven full time, four part time officers, and two full time safety officers. Police Officers who patrol the campus, perform life safety operations, parking enforcement operations, and work campus special events and details performing crowd and vehicular control activities, as well as other pertinent police related operations. Four full-time communications officers are assigned to the camera, emergency alarm center, and communications center located in the Police Department's office at Erie campus. There is a minimum of one police and one communications officer on duty 24 hours a day, 365 days a year. Mercyhurst University safety officers are not police officers and therefore do not have law enforcement authority, including powers of arrest. They are, however, governed by the same rules, regulations, and standard operating procedures (SOP), and perform the same duties as the university police officers.

The Mercyhurst Police Department employs a small contingent of students (typically ranges from 6 to 8) as student work study personnel. These students supplement police operations by performing basic security functions including: foot escorts, building checks, interior building and exterior building unlocks, directed patrols, traffic control, access monitoring, Parking enforcement and special event security. City of Erie Police Department (EPD) provide additional support during large-scale campus events and assisting MUPD with the management of on-campus social events/activities. The Department patrols the campus and provides public safety services through the deployment of vehicle, foot, and bicycle patrols.

The Department is under the leadership of the Chief of Police, who reports to the Vice President for Student Life. Institutional clery compliance initiatives are managed by the Chief of Police. The Department's Deputy Chief, who reports to the Chief of Police, is responsible for in-service training, crime prevention services, field training, both internal and external administrative investigations as well as managing Clery Act and Pennsylvania UCR Act compliance records retention processes.

The Lieutenant of Patrol is responsible for coordinating the daily patrol and security operations and activities of the Department and assists in clery compliance. The Patrol Sergeant is responsible for day to day police activities on the North East campus. The Director of Protective Services is responsible for Fire Safety, OSHA compliance, and environmental, health/ safety concerns, coordinating the institution's fire safety program initiatives; clery compliance and annual fire safety report.

To be successful in providing the highest degree of public safety services on the campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes locking your valuables, and reporting suspicious/criminal activities. The Mercyhurst Police Department takes a leadership role in this area. This includes educational programs on campus safety, preventative patrols, incident investigation, and crime reporting, fire safety and prevention, crime prevention, and community-policing. Police Officers have completed Pa. Act 120 and attend yearly in-service training. All uniformed supervisors and patrol officers are required to be Red Cross-trained as emergency medical responders, which includes first aid, CPR and the use of an AED, and to be certified in various self-defense techniques. The Mercyhurst University Police Department is located in the lower level of McAuley Hall 501 E. 38th St. Erie, Pa. 16546

This publication is intended to provide you with information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. It is the primary objective of the Mercyhurst Police Department to work collaboratively with campus community members in our collective efforts to continually enhance the safety of the campus environment, thereby affording opportunities for community members to work, live, study, and personally and professionally develop both intellectually and socially. Should you have questions, comments, or suggestions regarding the information contained within this publication or any related public safety policies, procedures, or operations, please feel free to contact the Mercyhurst University Police Chief at (814) 824 2104 or email at dfuhrmann@mercyhurst.edu.

CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE

Campus community members - students, faculty, staff, and guests - are encouraged to report all criminal actions, emergencies, or other public safety related incidents occurring within the University's Clery geography to the Mercyhurst University Police Department (MUPD) in an accurate, prompt, and timely manner. The University's Clery geography includes: on campus property including campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to and immediately accessible from on campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. Mercyhurst University Police Department (MUPD) has been designated by Mercyhurst University as the official office for campus crime reporting. MUPD strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures Public Safety is able to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. Mercyhurst University further encourages accurate and prompt reporting to MUPD and/or the local police when the victim of a crime elects to, or is unable to, make such a report. This publication focuses on MUPD because it has primary responsibility for patrolling the Mercyhurst University campus and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the City of Erie Police Department or other local agency where the crime occurred.

To report a crime or emergency, members of the community should:

- Call the Mercyhurst University Police Department (MUPD) by dialing (814) 824-3911 or on campus extension 3911
- Report in person to the Mercyhurst University Police Department (MUPD) located in the lower level of McAuley Hall, 501 E 38th Street, Erie Pa. 16546
- Crimes or emergency situations can be reported to the City of Erie Police Department (EPD) or local emergency services by dialing 911 in an emergency
- Sex Offenses and other incidents of sexual or relationship violence can also be reported to the University's Title IX Director, by dialing (814) 824-2362 or on campus extension 2362, or in person at the Title IX Office located at Egan 311
- Contact the Office of Human Resources (HR) by dialing (814) 824-2279 or on campus extension 2279, or in person at the HR office located in Old Main, office 200C
- Contact the Vice President for Student Life by dialing (814) 824-2262 or on campus extension 2262, or in person in Egan Office 314
- Emergency Phones located throughout campus can also be used to contact Public Safety to report a crime or emergency.

Complete the online "Silent Witness" reporting form at:

https://lakersmercyhurst.sharepoint.com/sites/SPO_STU_PoliceDepartment/Shared%20Documents/Silent%20Witness%20Form%20-%20ORIGINAL.pdf

- (This form should only be used for non-emergency or non-urgent reporting)

Response to Reports: Dispatchers are available 24 hours a day to answer campus community calls. MUPD procedures require an immediate response to emergency calls. MUPD works closely with a full range of City and county resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. The Mercyhurst University Police Department responds to all reports of crimes and/or emergencies that occur on-campus, adjacent to campus within its public property reporting area, or within a campus-controlled, -owned, -operated, and/or -recognized facility, building, residence hall, or area. Mercyhurst University Police Department personnel also have the ability to notify Erie County emergency dispatchers of emergency situations occurring on-campus via portable, mobile, and fixed two-way radio communications systems, and transferring telephone calls to the 911 emergency center. This system allows

Public Safety to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring on-campus, within residence halls or non-campus buildings, or on recognized public property adjacent to or contiguous to University-owned, -controlled, -operated, or recognized facilities, buildings, or areas are documented and processed for further investigation and review by the Vice President for Student Life and/or the local City of Erie Police, depending upon the nature of the crime or emergency and the involvement of the local City of Erie Police. Additional information obtained via any investigation will also be forwarded to the Director of residence Life.

To obtain information or request any police services community members should call (814) 824-3911 or extension 3911. During power failures or emergencies, the MUPD communications center can also be reached by dialing the Mercyhurst University Police Department cell phone number at (814) 881-7359. Located throughout campus are well-marked Emergency Blue Light phones. These phones provide direct contact to MUPD. When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. These Blue Light Towers should be used when seeking information and/or reporting activities – to include criminal incidents. If a member of the community finds any of these Towers inoperative or vandalized, they should call the MUPD so that the phone can be repaired or replaced as quickly as possible. If assistance is required from City of Erie Police Department (EPD) or Erie Fire Department (EFD), MUPD will contact the appropriate unit.

If a sexual assault or rape should occur on campus, staff on scene, including MUPD, will offer the victim a wide variety of resources and services. This publication contains information about on- and off-campus resources and services and is made available to the Mercyhurst University community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Mercyhurst University.

As mentioned, crimes should be reported to MUPD to ensure inclusion in the annual crime statistics and to aid in providing timely warning Campus Safety Alert notices to the community, when appropriate. For example, a crime that was reported only to the Mercyhurst University counseling center may not be known to MUPD, a campus security authority (CSA), or other University official.

RESPONSIBILITIES OF THE MERCYHURST UNIVERSITY COMMUNITY FOR THEIR OWN PERSONAL SAFETY

Members of the Mercyhurst University community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

- Report all suspicious activity to MUPD immediately.
- Never take personal safety for granted.
- Try to avoid walking alone at night.
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call MUPD or EPD for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. DO NOT PROP INTERIOR OR EXTERIOR DOORS.
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner’s recognized numbers, such as a driver’s license number, on items of value.
- Inventory your personal property and insure it appropriately with personal insurance coverage.

Voluntary Confidential Reporting:

With the only exceptions being the Director of Health Services Mercyhurst University does not provide a confidential reporting option to Campus Security Authorities (CSA) and does not allow for voluntary confidential reporting. The Director of Health Services in their capacity as a CSA, can make crime reports to MUPD to ensure inclusion in the annual disclosure of crime statistics without disclosing personal identifying information. The Director of Health Services will work closely with MUPD in order to allow MUPD to properly assess reports for timely warning consideration and to avoid double counting of crimes.

Confidential Reporting:

Students may make confidential reports to Pastoral Counselors and/or Certified Counselors assigned to the Counseling Center. Pastoral Counselors and Certified Counselors in their capacity and function do not make identifiable reports of incidents to the Official On-Campus Resources unless the student specifically requests them to do so; however, the University encourages counsellors, if and when they deem it appropriate, to inform students they can report incidents of crime to MUPD, which can be done directly or anonymously through the facilitated anonymous reporting process as outlined below.

Anonymous Reporting:

If you are the victim of a crime and do not want to pursue action within the university or criminal justice system, you may still want to consider making a confidential report. With your permission, a member of the Police Department can file a report on the details of the incident without revealing your identity.

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the university can keep accurate records of the number of incidents involving students to determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the university.

Additionally, an alternative way to report crime anonymously via the Internet is available by going to:

- 1) Hub.mercyhurst.edu <https://lakersmercyhurst.sharepoint.com/sites/EmployeeHub>
- 2) Log in (if needed) with your Mercyhurst User ID and Password.
- 3) Hover over the drop-down box labeled "*Services*"
- 4) Click on "*Police Department*"
- 5) Scroll down until you see "*Silent Witness Form*"

[https://lakersmercyhurst.sharepoint.com/sites/SPO_STU_PoliceDepartment/SiteAssets/SitePages/SPO_STU_PoliceDepartment/Silent Witness Form - ORIGINAL.pdf?web=1](https://lakersmercyhurst.sharepoint.com/sites/SPO_STU_PoliceDepartment/SiteAssets/SitePages/SPO_STU_PoliceDepartment/Silent%20Witness%20Form%20-%20ORIGINAL.pdf?web=1)

Once filled out and submitted electronically to the Chief of Police

While anonymous reporting is available by these limited means, the University's ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to the counseling center or pastoral counselors are not disclosed in the University's crime statistics or reporting processes, unless those crimes are reported to MUPD through the facilitated anonymous reporting process.

STATISTICAL DISCLOSURE OF REPORTED INCIDENTS

Incidents reported to MUPD that fall into one of the required reporting classifications as defined by the Clery Act and Pennsylvania Uniform Crime Reporting Act will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by the University.

REPORTING A CRIME TO THE CITY OF ERIE POLICE DEPARTMENT

A person reporting a crime to MUPD has the right to report the crime to the City of Erie Police Department and/or Pennsylvania State Police by calling 911. MUPD officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

OFF-CAMPUS CRIME

If the City of Erie Police Department is contacted about criminal activity off-campus involving Mercyhurst University students, the EPD may notify MUPD. Students in these cases may be subject to arrest by the local police and University disciplinary proceedings through the Office of Residence Life.

MONITORING OF NON-CAMPUS STUDENT ORGANIZATIONS

Mercyhurst University does not have any off-campus student organizations recognized by the University that are engaged in activities by Mercyhurst University students. Nor does Mercyhurst University have any off-campus housing facilities. The campus does, however, maintain a close relationship with state, city, and municipal law enforcement agencies having jurisdiction on Mercyhurst University campus and in areas surrounding the campus. Formal requests are made of each of these agencies for annual crime statistics.

If the City of Erie Police respond to a “non-campus” student rented property in response to a citizen complaint or police officer concern, the police may notify MUPD to provide support assistance to one of those locations. However, the City of Erie Police do this out of a courtesy, and they are not “required” to notify or involve MUPD when they respond to a call involving students on private property. MUPD does not patrol or provide oversight of privately-owned property/residences rented by students that fall outside of the University’s Clery geography.

MERCYHURST UNIVERSITY POLICE DEPARTMENT AUTHORITY AND JURISDICTION

Enforcement Authority:

The Mercyhurst University Police Department is responsible for providing law enforcement services for the Mercyhurst University Campus. MUPD Officers and staff are responsible for the enforcement of Federal and State laws as well as the University’s policies. In major incidents or investigations, the City of Erie Police Department and the Pennsylvania State Police will assist the Mercyhurst University Police Department. The Mercyhurst University Police and Safety Department has a written memorandum of understanding with the Erie Police Department. If requested, these departments will assume entire responsibility for the incident and/or investigation of crimes graded as misdemeanors or higher.

The Vice President for Student Life, in conjunction with the Director of Residence Life, Provost, Title IX Director, and Human Resources Director as it relates to employee conduct, coordinate disciplinary action for matters that are violations of University rules.

Arrest Authority:

Mercyhurst University Police Department Police Officers are Act 120 trained, or have the equivalent training required by state law to be certified as sworn police officers. Police Officers are sworn and have full arrest powers on all property owned or controlled by the university, and on all public property adjacent to the campus. Mercyhurst University safety officers are not police officers and therefore do not have law enforcement authority, including powers of arrest.

Mercyhurst Police Department Jurisdiction:

Mercyhurst Police Department’s jurisdiction encompasses on-campus property that includes campus residence halls, buildings, and/or facilities; designated non-campus long term properties and facilities that are within the City of Erie and reasonably close to the main or core campus; public property adjacent to and accessible from on-

campus property; and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities that are also within the City of Erie.

Mercyhurst Police Department has no jurisdiction or enforcement authority outside of its identified Clery reporting geography – this includes areas and/or properties that are not owned, rented, leased, recognized or otherwise controlled by the University.

Criminal Background Checks:

The University does not routinely conduct state and/or federal criminal background investigations on prospective students. However, it is the policy of the University that all new employees and faculty, as well as volunteers and interns who have significant interaction with Mercyhurst University students, have their criminal background records and sex and violent offender registries checked as soon as possible after an offer of employment has been accepted. Individuals who work with minors are required to complete additional background checks, including a Pennsylvania State Criminal Check, Pennsylvania Child Abuse, and FBI Check.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Academic and Administrative Buildings:

The Mercyhurst University campus is open to the public. The majority of academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 7am to 10pm, except holidays) and are typically secured during the late evening hours, depending upon special event scheduling and community usage. Some academic buildings are typically secured from 11pm to 6am each night, and authorized access may be gained to these buildings via the access control system. The Hammermill Library's hours can fluctuate, but the library is normally accessible seven day a week by the campus community members, except holidays, break periods, and summer session. The 24 hour lounge is located in the Center for Academic Engagement building and may be accessed after hours via the access control system. Members of the Department of Public Safety regularly patrol the interiors and exteriors of all campus facilities.

Residence Halls:

Access to residence apartment and townhouses is restricted to Mercyhurst University students and authorized staff, these are secured by key and lock systems 24 hours a day/7 days a week. First-year residence halls and other select large scale residential facilities are restricted to Mercyhurst University students and authorized staff, and are secured 24 hours a day/7 days a week by an access control system. The first floor retail area of Ryan hall is open to the public from 7am to 10pm daily, access to residence wings/rooms is restricted by access control. Members of the Mercyhurst Police Department regularly patrol the interior common areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls. Residence hall professional and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Break Housing:

During the academic year, the University officially closes Freshman Housing for Thanksgiving, Winter, and Spring Breaks. Freshman Residence Halls usually close the day after the last day of class or exams during these periods, and reopen on the day before the first regularly scheduled class. Notices of specific times, dates and the process are publicized before each break. Students are reminded to make travel arrangements accordingly. Break Housing for students who cannot return home or leave campus over breaks may be provided. Only students authorized to stay may remain over the breaks. Students living in freshman residential area must contact their Hall director for permission to remain in housing or return early during the breaks. Card access to the halls will be turned off unless permission is granted to remain over the break period. Upperclassman students who plan to stay in their apartments over break must notify their RA's prior to the beginning of break. All students will be asked to register for the break period at the Office of residence Life.

When the residence halls close for breaks, students are expected to take out trash and perishable food, unplug items in the room, turn out the lights, and shut and lock the windows. Bedroom doors that are lockable and apartment doors must be closed and locked. A list of complete closing procedures will be distributed about two weeks prior to each break closing. Residents may leave personal items in their room during all breaks, except for the summer. However, due to the "unoccupied" status of the campus during breaks, it is suggested that students take valuable items with them to ensure their safety.

Staff members from Residence Life conduct inspections during breaks. Any infractions will be noted and the student will be notified and/or charged accordingly. Any student requesting access to their residence hall or room during University break periods when the University is officially closed shall present themselves to the Mercyhurst Police Department and request permission for access. MUPD will authorize a student access to their respective room for legitimate reasons only. Officers authorize full discretion in determining a student's legitimacy to enter the closed residence hall based on the information given. For example, access should be limited to medical needs and necessities and similar related urgent requests. Once the legitimacy of the request is established, access requests will be managed as follows: The student's identity, resident status, and room assignment will be verified. After this verification, an officer will escort the student to their room, allow drop-off or retrieval of the item(s) in question, and then escort the student from the building.

MAINTENANCE OF CAMPUS FACILITIES

Mercyhurst University facilities and landscaping are maintained in a manner that minimizes hazardous conditions. MUPD regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Aramark Facilities Management for correction. Campus community members can additionally report hazards directly to Aramark Facilities Management through an online service response reporting process. The campus' overall safety and security program is supplemented by a variety of technological systems including; access control, closed circuit television, emergency phones and fire detection, suppression and reporting systems. Other members of the University community are helpful when they report equipment problems to MUPD or Aramark Facilities Management.

MERCYHURST POLICE DEPARTMENT TRAINING

The Chief of Police, Deputy Chief of Police and Director of Protective Services are primarily responsible for conducting intensive and continuing training for Mercyhurst Police Officers. Training topics may include criminal law, civil law, federal law, the Clery Act and campus security authority, Title IX, sexual assault and gender violence response and investigation, trauma informed investigation, public relations, race relations, interpersonal communications, crisis intervention, critical incident response and incident command system, emergency operations, emergency medical training, and all facets of protection of persons and property. Training includes annual mandatory in-service sessions for municipal police officers. The Department also utilizes guest lecturers, select out-service seminars and conferences, applicable online training/webinars, and regular roll-call information sessions. Police Officers will qualify with firearms annually including pistol, rifle and shotgun. Additional firearms training will be given throughout the year in areas of weapons retention, dim light, weapon transition, shooting from cover and shoot don't shoot scenarios.

MERCYHURST POLICE DEPARTMENTS WORKING RELATIONSHIPS WITH OTHER LAW ENFORCEMENT AGENCIES

The Mercyhurst University police Department maintains a close working relationship with the City of Erie Police Department, Millcreek Township Police Department, Erie County Sheriff's Department, Erie County District Attorney's Office, Drug Strike Task Force, Joint Terrorism Task Force, and Pennsylvania State Police. Collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. MUPD is comfortable with and capable of reaching out to these responsive law enforcement entities for support and assistance as it relates to the safety and security of the campus community.

MUPD officers and local law enforcement officers communicate regularly on the scene of incidents that occur in and around the campus area. MUPD investigators work closely with local law enforcement investigators when incidents arise that require joint communication efforts.

Written Memorandums of Understanding with Local Police:

There is a Memorandum of Understanding (MOU) between Mercyhurst University and the City of Erie Police Department (EPD). This agreement specifically address the response, responsibility and investigation of all alleged criminal offenses including sexual assault and relationship violence. There is a Memorandum of Understanding (MOU) between Mercyhurst University and the North East Police Department (NEPD). This agreement only addresses the holding of prisoners by NEPD for MUPD.

CAMPUS SAFETY ALERTS - NOTIFYING THE MERCYHURST UNIVERSITY COMMUNITY ABOUT CRIMES

In an effort to provide timely notice to the Mercyhurst University community in the event of a criminal situation that may pose a serious or continuing threat to members of the campus community, a Campus Safety Alert (timely warning notice) that withholds the names of victims as confidential and that will aid in the prevention of similar crimes, is sent primarily by blast email to all students and employees on campus as soon as pertinent information is available. Alerts can also be sent/communicated via Mercyhurst e2campus text/voice messaging system and a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this Annual Report. The intent of a Campus Safety Alert is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

Campus Safety Alerts are generally written and distributed to the campus community by the Chief of Police, or Deputy Chief of Police, and they are routinely reviewed and approved by the Vice President for Student Life, Provost/Vice President for Academic Affairs or other University Cabinet level Vice President prior to distribution. The Chief of Police or Deputy Chief of Police have the authority to issue a Campus Safety Alert without such consultation if consultation time is not available. Should the Chief of Police or Deputy Chief of Police be directly impacted and involved in an incident response or otherwise unavailable, any trained member from the Communications and Marketing Office could write and send a Campus Safety Alert.

Campus Safety Alerts are sent to the University community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to MUPD and that have occurred on campus or on noncampus property or public property, where it is determined that the incident may pose a serious or continuing threat to members of the University community

Crimes that occur outside the campus' Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Public Safety Notice, as outlined and described in the below policy statement for "Public Safety Notices." Updates to the campus community, when deemed necessary, about any particular case resulting in a Campus Safety Alert may be distributed via blast email, may be posted on the University website, may be shared with the Merciad newspaper for a follow-up story, and may be distributed by the Chief of Police or other members of the Campus Emergency Response Team (CERT), as deemed necessary and appropriate. Campus Safety Alert posters may also be posted by MUPD or Vice President for Student Life in campus buildings when deemed necessary. When Campus Safety Alerts are posted in campus buildings, they are printed on red paper and posted in lobby/entrance areas of key buildings for a time period determined by Vice President for Student Life or Chief of Police.

Mercyhurst University professional staff are informed of their responsibility to share Alert information with their sponsored visitors and/or guests. Conference Services staff are instructed to inform conference attendees, camp counselors, and/or directors/leaders about Alerts and Alert posters that may be posted in areas or residence halls where conference or camp attendees are visiting and/or occupying.

Campus Safety Alerts may be distributed for any of the following Clery Act crime categories/classifications: murder and non-negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), robbery,

aggravated assault, burglary, arson, hate crimes, motor vehicle theft, domestic violence, dating violence, stalking, or arrests and referrals for liquor law, weapons law, and drug law offenses.

Alerts for the crimes of aggravated assault, motor vehicle theft, burglary, sex offenses, domestic violence, dating violence, stalking, and arrests or referrals for liquor, drug, and weapons offenses are considered on a case-by-case basis and depend upon a number of factors. These include the nature of the crime, the timeliness of the report, and the continuing or ongoing danger to the campus community—such as whether the perpetrator was apprehended— and the possible risk of compromising law enforcement efforts. For example, if a physical assault occurs between two students who have a disagreement, there may be no continuing threat to other Mercyhurst university community members and a Campus Safety Alert would not be distributed.

In cases involving sex offenses that can be typically reported long after the incident occurred, there is no ability to distribute a Campus Safety alert to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the MUPD.

Typically, alerts are not issued for any incidents reported that are older ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the University an opportunity to react or respond in a timely manner.

MUPD supervisors confer with the Chief of Police or Deputy Chief of Police during incidents to ensure a proper review of all criminal and/or serious incidents to determine if there is a continuing threat to the community and if the distribution of a Campus Safety Alert is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At Mercyhurst University, this would only apply to certified professional counselors from the Counseling Center and pastoral counselors who are performing that specific function and role as their primary employment with the University.

PUBLIC SAFETY NOTICES

A Public Safety Notice may be sent to the campus community for general crime prevention purposes, to inform the community of crimes and/or incidents that are not generally time sensitive or considered to be a continuing threat, but important to be aware of, and/or to inform the campus of incidents occurring on, around, or even off campus that do not meet the requirements or specifications for distribution of a Campus Safety Alert, as outlined above.

A Public Safety notice may be sent to the electronic campus community digests, or they may be sent via blast email to all students and employees on campus. A Public Safety Notice is generally written and distributed to the campus community by the Communications and Marketing Department, and they are routinely reviewed and approved by the Vice President for Student Life. These notices could also be sent by any member of the Campus Emergency Response Team (CERT) or cabinet level administrative official.

Updates to the campus community about any particular case resulting in a Public Safety Notice, when deemed necessary, may be distributed via blast email, posted on the University website, included in electronic campus digests, or may be shared with the Merciad newspaper for a follow-up story; and may be distributed by the Chief of Police or other member of CERT, as deemed necessary and appropriate.

DAILY CRIME AND FIRE LOG

The Mercyhurst University Police Department makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection. The Department is located in the lower level of McAuley Hall and is open 24/7/365. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime and fire log

typically includes the incident number, crime classification or nature of the fire, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the University's campus community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the University's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Public Safety. It is important to note that MUPD has no jurisdiction outside of its identified Clery geography.

PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS & CLERY COMPLIANCE

The following information provides context for the crime statistics reported as part of compliance with the Clery Act.

The Mercyhurst University Police Department is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Chief of Police or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the Mercyhurst University Police Department (MUPD), the City of Erie Police Department (EPD), the North East Police Department (NEPD), the Pennsylvania State Police (PSP), the Erie County Sheriff's Office, the Erie County District Attorney's Office (DA), law enforcement agencies with jurisdiction for international and domestic noncampus property locations, and non-police or public safety personnel who have been designated as Campus Security Authorities or CSAs. The Residence Life / Student Conduct Office and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained.

Final report preparation is coordinated by the Chief of Police with Human Resources, Residence Life, Student Conduct, Protective Services, the Title IX Director, and the Institutional Analysis Office of the University.

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and/or through training to report crimes to MUPD in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into an institutional property)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- 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 any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Statistical information is not requested from, nor is it provided by, Certified Counselors of the Counseling Center or Pastoral Counselors who are performing that function and role as their employment with the University. Certified Counselors and Pastoral Counselors are not required by law to provide statistics for this compliance document.

Counseling and Pastoral Professionals, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to MUPD for inclusion in the annual statistics. The Counseling Center and Pastoral Counselors facilitate anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report.

All statistics are gathered, compiled, and reported to the University community via this report, entitled the "Annual Security and Fire Safety Report," which is published by MUPD no later than October 1st of each year. MUPD submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. Table One of the crime statistics satisfies the reporting requirements described by Pennsylvania Statutes as outlined by the Pennsylvania Uniform Crime Reporting Act, and Table Two satisfies the requirements outlined by the Clery Act.

MUPD sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report. The email also includes the address for the MUPD website where the Annual Security and Fire Safety Report can be found online, and notification that a physical copy may be obtained by making a request to MUPD by calling (814) 824-2304 or in person at the MUPD in the lower level of McAuley Hall.

Specific Information about Classifying Crime Statistics:

The statistics in this brochure are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting Handbook, National Incident-Based reporting System (NIBRS), relevant federal law (the Clery Act), and applicable State law (the Pennsylvania Uniform Crime Reporting Act).

The Pennsylvania Uniform Crime Reporting Act (Table One):

The Pennsylvania Uniform Crime Reporting Act mandates the release of crime statistics and rates to matriculated students and employees, and, upon request, to new employees and applicants for admission. The index rates are calculated by multiplying the actual number of reported offenses by 100,000 (a theoretical population for comparison purposes) and dividing that product by the number of the University's Full Time Equivalent (FTE) students and employees. The statistics in Table One reflect the number of incidents reported to the University Police Department (but do not include reports from other campus security authorities, referrals from campus disciplinary authorities, or reports from local law enforcement, as required for Clery reporting in Table Two). They do not indicate actual crime prosecution or student disciplinary action, or the outcome of either. These State crime classification statistics are reported to the Pennsylvania State Police on an annual basis for publication in the Crime in Pennsylvania (Uniform Crime Report).

Clery Act Reporting (Table Two):

For Clery Act reporting purposes (Table Two), the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons violations the statistics indicate the number of people arrested by law enforcement or referred to the Office of Student Conduct for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense that was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest and statutory rape),

Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/ Vandalism of Property.

Campus SaVE was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

Please note that the State crime classifications for which the university is reporting these statistics in Table One vary from the crime classifications under Federal law, as reported in accordance with the Clery Act reflected in Table Two published in this Annual Report. Because of these differing crime classifications and definitions, with only a few exceptions, the State crime statistics will rarely match the Federal crime statistics.

Geography Definitions from the Clery Act:

On-Campus *defined as*: (1) 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 (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property *defined as*: (1) any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) 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.

The Non-Campus geography definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations:

- For example, students in the debate club take a trip to Washington, D.C. and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms; including the lobby, elevator and staircases.

Public Property *defined as*: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The Mercyhurst University crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

On-campus Student Housing Facility *defined as*: 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. This category is a considered a subset of the On-Campus category.

Reasonably Contiguous *is defined in the 2016 Handbook for Campus Safety and Security Report as follows*: Refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus." Generally speaking, it is reasonable to consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

The Pennsylvania Uniform Crime Reporting Act (TABLE ONE)

Calendar Years 2016– 2018

The Pennsylvania Uniform Crime Reporting Act requires the release of crime statistics and crime rates to students and employees, and it requires that those statistics be available to applicants and new employees upon request. The rate is based on the actual number of Full Time Equivalent (FTE) students, faculty, and staff calculated according to a state-mandated formula. The index in the table below is based on incidents per 100,000 FTEs. The crime rates for 2016, 2017, and 2018 are established using population figures for the fall 2018 academic semester: 3046.5 total members of the community (standard rounding rules are applied).

Calendar Years	2016		2017		2018	
	ACTUAL	INDEX	ACTUAL	INDEX	ACTUAL	INDEX
Part One Offenses						
Murder & Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	1	33
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Other Assault Not Aggravated	2	63	4	129	4	131
Burglary	1	32	5	162	4	131
Theft - Larceny	23	729	22	712	12	394
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
TOTAL						
Part Two Offenses						
Forgery	0	0	0	0	0	0
Counterfeiting	0	0	0	0	0	0
Fraud	0	0	0	0	0	0
Embezzlement	0	0	0	0	0	0
Stolen Property: Receiving, Possessing	1	32	0	0	0	0
Vandalism	19	603	17	550	10	328
Weapons: Carrying, Possessing	0	0	0	0	0	0
Prostitution	0	0	0	0	0	0
Other Sex Offenses	0	0	1	32	1	33
Drug Abuse Violations	27	856	49	1586	67	2199
Gambling	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0
Driving Under the Influence	0	0	0	0	0	0
Liquor Law	51	1618	250	809	23	755
Drunkenness	8	254	4	129	2	66
Disorderly Conduct	2	63	2	65	2	66
Vagrancy	0	0	0	0	0	0
All Other Offenses*	15	476	9	291	11	361
TOTAL						

The statistics reported above reflect the number of incidents reported to the University's Police Department (but may not include reports from other campus security authorities, referrals from campus disciplinary authorities or reports from local law enforcement). They do not indicate actual criminal prosecution or student disciplinary action, or the outcome of either. Please note that the state crime classifications, definitions and standards, which the University is reporting these statistics, may vary from the crime classifications, definitions and standards under federal law, which are also published in this annual report. Therefore state crime statistics may not match similar crime categories reported under federal law. *The "All other offenses" category includes harassment, harassment by communication, threats, unlawful restraint, loitering and prowling and trespass.

Campus Crime Statistics for Mercyhurst University (Table Two)

(Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act)

Calendar Years (CY) 2018-2017-2016

Offense (Crimes Reported By Hierarchy)	Calendar Year	On Campus (Including Residential)	Non- Campus	Public Property	Totals	On Campus (Residential Only)
Murder & Non - Negligent Manslaughter	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Rape	2018	4	0	0	4	4
	2017	5	0	0	5	5
	2016	3	0	0	3	3
Fondling	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Incest	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Robbery	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Burglary	2018	4	0	0	4	4
	2017	0	0	0	0	0
	2016	1	0	0	1	1

Arson	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	0
	2017	1	0	0	1	0
	2016	0	0	0	0	0
Offense (Crimes Reported By Hierarchy)	Calendar Year	On Campus (Including Residential)	Non-Campus	Public Property	Totals	On Campus (Residential Only)
Liquor Law Arrests**	2018	6	0	0	6	5
	2017	14	0	1	14	7
	2016	20	0	0	20	20
Drug Law Arrests**	2018	1	0	0	1	1
	2017	0	0	1	1	0
	2016	4	0	1	5	1
Weapons Law Arrests**	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action**	2018	174	0	3	177	174
	2017	108	0	0	108	108
	2016	125	0	0	125	125
Drug Law Violations Referred for Disciplinary Action**	2018	83	0	0	83	82
	2017	42	0	0	42	42
	2016	37	0	0	37	37
Weapons Law Violations Referred for Disciplinary Action**	2018	0	0	0	0	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Domestic Violence	2018	1	0	0	1	1
	2017	0	0	0	0	0
	2016	0	0	0	0	0
Dating Violence	2018	4	0	0	4	3
	2017	4	0	0	4	4
	2016	0	0	0	0	0
Stalking	2018	1	0	0	1	0
	2017	0	0	0	0	0
	2016	0	0	0	0	0

"Reported crimes" are allegations of crimes reported in good faith to CSAs. These crimes do not have to be investigated or adjudicated in order to count as a reported crime statistic in the ASFSR. Reported crimes may involve individuals not associated or affiliated with Mercyhurst University. Reported Crimes may include information received from an anonymous reporting source. Residential Facility crime statistics are a subset of the On Campus category, i.e. they are counted in both categories.

Hate Crime Statistics	
2018	Zero (0) hate crimes, as defined by applicable federal law, were reported at Mercyhurst University in 2018.
2017	Zero (0) hate crimes, as defined by applicable federal law, were reported at Mercyhurst University in 2017.
2016	1. An incident of intimidation occurred at an on-campus residential facility, characterized by Race.
Unfounded Crimes	
2018	Zero (0) unfounded crimes for calendar year 2018.
2017	Zero (0) unfounded crimes for calendar year 2017.
2016	Zero (0) unfounded crimes for calendar year 2016.

NOTE: The University made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the University's identified Clery geography. Reportable Clery crime data received from agencies who responded to these requests are included in the Table Two crime statistics noted above. Not all of these agencies responded to these requests for crime statistics.

UNFOUNDED CRIMES

If a crime is reported as occurring On Campus, in On-campus Residential Facilities, in or on Non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime after a thorough investigative process.

IMMEDIATE OR EMERGENCY NOTIFICATION, EMERGENCY RESPONSE, AND THE EMERGENCY MASS NOTIFICATION SYSTEM (EMNS)

In the event of an emergency, an effective Campus-wide communications process is vital in order to provide the greatest safety possible for the University community. As part of its Emergency Management Operations, the University has adopted a formalized procedure for issuing immediate notifications to the campus community.

The immediate notification capability of the emergency mass notification system is designed to assist the University in immediately notifying the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees.

A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.

The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Immediate notification to the campus can be accomplished through a variety of communications methods, but the use of the emergency cell phone text, all campus email, select in-building audible voice notification devices and/or alert siren would be seen as the most common and quickest form of communications under these circumstances. Confirmation typically involves the response and assessment of Police officers, University officials, local police, or emergency responders.

When on-duty Mercyhurst University police officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty police officer confirms (through response, investigation, or collaboration

with emergency responders) that there is a significant emergency and then immediately contacts the Chief of Police or Deputy Chief of Police, who quickly evaluates the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the campus community who will receive the notification. The Chief of Police or Deputy Chief of Police has the ability and authority to issue an alert without delay and without further consultation with any other University official. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to take action. The University will endeavor to make such notification sufficiently specific so as to enable recipients to take an appropriate response to the threat. Precanned messages have been prepared as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, the Chief of Police or Deputy Chief of Police consults with the President, Vice President for Student Life and Provost, and/or other members of the Campus Emergency Response Team (CERT) prior to an alert being issued.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Chief of Police or Deputy Chief of Police or a member of CERT. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the aforementioned communications methods.

University authorities may instruct campus community members to "shelter-in-place" if a condition exists that is potentially life threatening and has an immediate threat to the health and personal safety of the campus community. Immediate threats would include, but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents.

Shelter-in-place means to take immediate shelter wherever you happen to be at the time of a shelter-in-place notification – in campus housing, in privately-owned housing near campus, in an academic or administrative building, etc. Community members should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel via an emergency rapid communications system(s).

How to Shelter-In-Place:

- If you can safely evacuate a potentially dangerous or hazardous situation, do so immediately. If you cannot safely evacuate and you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel.
- Locate a room to shelter inside. It should be:
 - an interior room;
 - above ground level; and
 - without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock, if possible, all windows (tighter seal) and close exterior doors. Doors and windows may need to be barricaded, if possible.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of people with you and ask someone to call the list into DPS to inform them where you are sheltering.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

Off-campus Emergencies:

Mercyhurst officials often receive emergency information from the Erie County 911 Center regarding incidents in Erie County that could imminently impact the safety of the Mercyhurst University community. When appropriate,

the University notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

Emergency Mass Notification System (EMNS) Testing and Registration:

The Emergency Mass Notification System (e2campus) will be tested at least each academic semester to ensure that all systems are working properly and that emergency managers maintain a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon. In conjunction with at least one of the annual EMNS test notifications, information is shared with the campus community related to the campus' emergency response and evacuation procedures.

Students, staff, and faculty are informed of the University's e2campus program and evacuation processes annually during training and through written notification. This includes dissemination of information about how to respond during a significant incident on campus or within the immediate area of the campus that potentially directly impacts the safety of campus community members. These information sessions have been built into first-year orientation, residence life student staff training, and new employee/faculty orientations. Public Safety officers additionally test evacuation procedures for all residence halls, and academic/administrative buildings at least once each semester as part of Public Safety's fire drill and safe evacuation programs. These tests are usually announced tests, but they may be unannounced. Available student cell phone numbers are loaded into the cell/text notification system upon their registration for classes.

Faculty and Staff participation is optional. Faculty and Staff must register through e2campus:

- Go to : WEB ADVISOR
- Click on the Miscellaneous Section
- Opt-out/update information for e2campus.
- You can also follow this same procedure to register a new cell phone number.
-

The University's means of communicating during an emergency situation include the following, although not all of these methods are always employed. The communications method used would depend on the type of emergency:

- Cell phone Text Messaging
- Audible Notification Systems within Select Campus Buildings
- All Campus Email Alerts
- Voice-Mail
- Computer Instant Pop-Up Emergency Screen Messages
- Emergency Website, Facebook, and Twitter Accounts
- Telephone Trees
- Public Media (TV, radio, news websites)
- Fire Alarm System Notification
- Public Address System from Siren and from Police Vehicles
- Flyers posted throughout Campus
- Direct On-foot and In-person Notifications

EVACUATION PROCEDURES

Mercyhurst University Police Department shall be responsible for the safe evacuation of all persons utilizing the University's facilities in the event of natural disasters, civil disturbances, and active threats. The level of necessity will determine the response by MUPD. If large scale events occur that are beyond the resource capabilities of MUPD and the University officials will request assistance from outside emergency resources such as the City of Erie Police and Fire, State Police, Erie County Emergency Management, and/or state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based upon information received by or furnished to Mercyhurst University.

The information may be in the form of instructions or advice from the Erie County Emergency Management Agency, the Governor's Office, or other officially recognized agency. Full or partial evacuations may be necessary as a protective action to reduce campus community members' exposure to a hazard. Protective actions reduce TIME of exposure, create DISTANCE, or provide SHIELDING from a specific hazard. Hazards that may require an evacuation include:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package
- Hostile intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

Exercise of Judgment and Contingencies: The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the University's Emergency Response Plan (ERP), responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be able to be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate. Additional factors to consider beyond warning time when deciding on whether or not to evacuate include:

- Size and geographical area affected
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – University transportation, public transportation, and private transportation?
- Are there safe alternatives?
- Ability of campus facilities to provide shielding from the hazard
- Ability of facilities to support the population
- Local considerations and local police and emergency resources support

Scope of an Evacuation: The scope of an evacuation can include a single building, a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the institution, and/or the University may be impacted by an evacuation initiated by the local authorities. Size and scope considerations must be included in the overall decision-making process.

Building Evacuation:

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized University official, such as a Police officer.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open, and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

Large-scale Campus Evacuation:

- If evacuation of part or all of the campus is necessary, monitor text message system, email, and the University's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

EMERGENCY PREPAREDNESS OVERVIEW

Emergency preparedness at Mercyhurst is managed by the University's Emergency Response Plan (ERP) and Program and Campus Emergency Response Team (CERT). Emergency operations planning at Mercyhurst University means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the Mercyhurst University and local Erie communities. It means having a comprehensive plan extending from all levels of emergency personnel down through the individuals that make up our community to prevent situations that cause emergencies; it means preparing people on the procedures to follow, should a crisis occur; it means having a well collaborated response approach from University and local officials and State and Federal agencies to effectively mitigate any crisis; and it means being ready and able to recover quickly from emergency events in order to keep the operations and business continuity of Mercyhurst University moving forward.

CAMPUS EMERGENCY RESPONSE TEAM (CERT)

All emergency incidents occurring on campus or impacting the University campus community will be managed using the Incident Command System (ICS) and the National Incident Management System (NIMS) as outlined by Federal and State agencies.

The primary responsibility for responding to emergencies on Mercyhurst University campus rests with the Mercyhurst University Police Department (MUPD), local emergency services, and the President of the University. The Campus Incident Management System or CERT – Campus Emergency Response Team - is the established protocol for managing all aspects of an incident. MUPD, along with other University departments and the emergency services organizations, plays an essential role as the first line of defense. In responding to an emergency or disaster, Mercyhurst University will make full use of the facilities, equipment, supplies, personnel, and resources of the University. The University President, as chief executive, has the authority to direct and coordinate disaster operations and may delegate this authority to an emergency manager. Incident Command is established when an authorized individual (usually a MUPD officer or supervisor, fire chief, police officer) is onsite and communicates their authority with all personnel involved.

If a situation arises on or around campus that could potentially threaten the health or safety of University community members, senior officers of the University, members of CERT, and members of Police Department are immediately summoned as part of Mercyhurst crisis response procedure.

Public Safety officers, supervisors, and administrators are trained in crisis response and have the authority to take immediate action in response to an imminent crisis, using the Emergency Response Plan (ERP) and departmental procedures as a guideline.

These actions may include:

- Deployment of additional police officers
- Engagement of law enforcement officials
- Summoning of local, county, or state emergency management officials
- Enhanced patrol of the campus
- Closing of roads and entrances onto campus
- Securing of campus buildings and residence halls
- Evacuation of campus buildings and residence halls

There is one Incident Commander (IC) for an incident. When more than one jurisdiction or one agency is involved, a Unified Command structure will be established. Command will function from an Incident Command Post (ICP). Certain "triggering" conditions may dictate a broader institutional response. This broader response will be managed from an Emergency Operations Center (EOC) by the CERT.

When an Emergency Operations Center (EOC) is established, CERT will assume a policy, direction, and coordination role over the institution's response and recovery. The EOC will act as an umbrella organization that

brings together all of the elements necessary to support the incident and maintain ongoing operations. Command will remain with the Incident Commander or Unified Command group.

The CERT consists of two groups, the Core group and the Advisory group. The Core Group Members are the policy decision-makers and include the President and senior staff. The members of CERT are institutional emergency incident resources and potential responders; they are not persons to whom community members should report crimes.

The CERT composition is as follows:

- Core Incident Command Group
 - Provost
 - Vice President for Student Life
 - Director of Residence Life and Conduct
 - Chief of Police
 - Director of Marketing
 - Executive Communications Officer
 - Executive Director of Wellness
 - Chief Information Officer
 - Director of the Physical Plant
 - General Counsel (as needed)

TESTING, EXERCISE PREPAREDNESS DRILLS, AND TABLE-TOP EXERCISES

In accordance with the institution's Emergency Response Plan (ERP), Mercyhurst University will use its emergency procedures and plans for testing emergency notification, response, and evacuation. A test is defined as regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities.

CERT will perform periodic table-top exercises (at least one per year) in order to practice the implementation of the campus' emergency operations plan and supplement emergency policies and procedures and to assess and evaluate emergency plan capabilities. Additionally, divisional and department level exercises are regularly initiated to train staff personnel on emergency operations. During CERT exercises, the campus evacuation plan is either reviewed or practiced as part of the training session. The Vice President for Student Life, in coordination with the Office of the President, will be responsible for scheduling and conducting these table-top exercises. As a minimum, one CERT Table-Top exercise per academic year will occur with the entire CERT Group. Additionally, local emergency responders from the Fire and Police Departments, Area Hospitals, and Erie County Emergency Management Agency (EMA) may be invited to participate along with college officials during one table-top each year. Exercises can be either announced or unannounced.

After-Action Reports of Tests /Exercises: After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, and whether the test was announced or unannounced.

ALCOHOL/DRUG POLICIES AND THE POINTS SYSTEM

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and State policies on Alcohol and Other Drugs, Mercyhurst University prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on University property, or as part of any campus activity. Employee or student violators are subject to disciplinary action, up to and including termination of employment and expulsion.

The University Police Department reports violations of law to the appropriate University department and works in collaboration with the state and local police, enforcing the laws of the Commonwealth of Pennsylvania, including laws relative to the possession, use, and sale of alcoholic beverages. This includes the enforcement of State underage drinking laws and Federal and State drug laws. Student violations of the policies and guidelines

pertaining to alcohol and drugs specified in the Mercyhurst University Handbook of Student Rights and Responsibilities will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include, but are not limited to, points, fines, education, referrals for counseling, community service, probations, residence hall separation, or suspension or expulsion from the University.

Commonwealth law states that a person who is under 21 years of age and who attempts to purchase, purchases, consumes, possesses, or who knowingly and intentionally transports any alcohol, liquor, or malt beverages commits a summary offense. Misrepresentation of age to a licensed dealer or other persons who sell or furnish intoxicating liquors constitutes a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation. A person also commits a third degree misdemeanor for selling or providing alcoholic beverages to a known minor.

There are also serious legal repercussions for driving under the influence of alcohol. Drivers under the age of 21 with a BAC of .02 or higher will be charged with Driving Under the Influence. Drivers 21 and over with a BAC of .08 or higher will be charged with Driving Under the Influence. Locally, there are City open container and noise ordinances.

The use of narcotics and controlled substances without a prescription on Mercyhurst University premises, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct. The Mercyhurst University Police Department reports violations of law to the appropriate University department and works in collaboration with state and federal law enforcement and local police, enforcing the laws of the Commonwealth of Pennsylvania, including laws relative to the possession, use, and sale of narcotics and controlled substances. When students are receiving Federal Title IV financial aid (including Federal Pell Grants and Federal Direct Student Loans), it is their responsibility to inform the Financial Aid Office within five days of any criminal illegal drug statute conviction. Students also agree to abide by the conditions of the drug-free workplace certifications.

The Points System was designed in order to provide clarity around how the University will respond to alcohol, drug, and related violations. Students will meet with the appropriate student conduct administrator or hearing body in order to determine if a violation of policy did occur. Once this determination is made, the corresponding number of points and other required sanctions will be assigned. Students will receive this information from the student conduct administrator in writing, once the administrative or Student Conduct Review Board hearing is complete. Anyone having questions about the Points System should contact the Office of Student Conduct Office at x2422 or visit them in Egan Hall 3rd Floor.

The Code of Student Conduct also specifies the prohibitions and penalties for violations of these prohibitions and is part of the Student Handbook, which is published under a separate cover and is available through the Office of residence Life and Student Conduct.

The Handbook can also be found online at: https://www.mercyhurst.edu/sites/default/files/glazed-cms-media/2018-2019_student_handbook.pdf

Drug Free Schools and Communities Act (DFSCA) Compliance:

The Mercyhurst University's Drug Free Schools and Communities Act (DFSCA) report is sent to all students, staff and faculty annually. Additional alcohol and drug policies, standards of conduct, applicable disciplinary sanctions, health risks, counseling and treatment, processes, goals, and objectives can be found on the Mercyhurst student and employee hub pages and within the student and employee handbooks. The biennial report, developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989, can be obtained from the Vice President for Student Life, located in Egan, or by calling (814) 824-2262.

ALCOHOL AND OTHER DRUGS (AOD) EDUCATION AND OUTREACH

- The University prohibits or limits student social events with alcohol during the first 2-3 weeks of the fall semester

- The University requires all incoming First Year students to complete AlcoholEdu, an online educational tutorial
- The University provides substance-free housing. Upper-class students can elect to live in a building devoted to substance free, healthy living. First Year students can elect to live with a roommate who also subscribes to a substance-free lifestyle.
- Through non-alcoholic programming, student organizations and student government promote healthy norms
- The Residence Life staff conducts one-on-one chats with all First Year students to openly discuss issues of alcohol use in order to promote a healthy self and environment
- The University uses a points system when working with students who violate the University’s alcohol policies, and all First Year students participate in a session at orientation introducing the University’s alcohol policy and point system. The points system is designed to facilitate good decision making on the part of students surrounding issues of alcohol use. The points system places a higher point value on less healthy decisions, e.g., driving under the influence, and less risky behaviors tend to result.
- Educational sanctions and Point Forgiveness Opportunities for violations of University policy can be completed with a Drug and Alcohol Counselor with approval from Student Conduct.
- The University’s social event policy requires that organizations, register events with alcohol. Organizations are required to have TIPS servers. In addition, the Department of Public Safety conducts pre- and post-event walkthroughs. Quantities of alcohol are also limited by the number of people expected to attend the event.
- The University has a venue where it serves alcohol to students. Students are required to show that they are 21 years of age or older. In addition, students are limited to one drink (beer or wine) for every hour of the event. Events involving the University serving alcohol must be approved by a committee of student affairs administrators. These events are limited to Friday and Saturday nights.

VIOLENCE AGAINST WOMEN (VAWA) REAUTHORIZATION

SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

Mercyhurst University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the University community. Toward that end, Mercyhurst University issues a statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a University official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
 - i. A Felony or misdemeanor crime of violence committed—
 - A) By a current or former spouse or intimate partner of the victim;
 - B) By a person with whom the victim shares a child in common;

- C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - E) 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.
 - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Definition of a Crime of Violence:** According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
 - i. An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another; or
 - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence.
 - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent." **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.
- **Stalking:**
 - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- A) Fear for the person’s safety or the safety of others; or
 - B) Suffer substantial emotional distress.
- ii. For the purposes of this definition—
- A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
 - C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

- **Sexual Assault:** The state of Pennsylvania defines sexual assault as follows:
 - **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. Statutory offenses (no force used —victim under age of consent) are excluded.
 - **Sex offenses** (except rape, prostitution, and commercialized vice) —Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.
- **Domestic Violence/Abuse:** Pennsylvania law defines domestic abuse as knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in a repetitive conduct toward a certain person that puts them in fear of bodily injury. These acts can take place between family or household members, sexual partners or those who share biological parenthood in order to qualify as domestic abuse.
- **Dating Violence:** The state of Pennsylvania does not have a definition of dating violence.
- **Stalking: Pennsylvania law defines stalking** 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.
- **Consent:** The state of Pennsylvania defines ineffective consent as:
 - **Ineffective consent** — Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:
 - (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;

- (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
- (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

The state additionally provides descriptors commonly associated with consent as part of its full definition when describing the offense of Rape.

- **Rape Offense defined** — A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:
 - (1) By forcible compulsion;
 - (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
 - (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
 - (4) Where the person has substantially impaired the 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;
 - (5) Who suffers from a mental disability which renders the complainant incapable of consent.

Further, under Clery and UCR (Uniform Crime Reporting) definitions, the Pennsylvania Crimes Code sections relating to sexual assault (PA CS Title 18, Subsection 3124.1), involuntary deviate sexual intercourse (PA CS Title 18, Subsection 3123) and aggravated indecent assault (PA CS Title 18, Subsection 3125) are considered rape for the purposes of Clery and PA UCR reporting.

- **Other Sex Offenses** (except rape, prostitution, and commercialized vice) — Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.

Mercyhurst University's Definition of Consent as it Relates to Sexual Activity is as follows:

Consent: Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in, and continue to engage in, a specific sexual activity.

Consent must be informed and voluntary. To give Consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of their actions. Individuals who are physically or mentally incapacitated cannot give Consent. Some indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance. Silence, without actions evidencing permission, does not demonstrate Consent. Where force or coercion is alleged, the absence of resistance does not demonstrate Consent. The responsibility of obtaining Consent rests with the person initiating sexual activity.

Consent to engage in sexual activity may be withdrawn by either person at any time. A previous or current dating or sexual relationship, by itself, is not sufficient to constitute Consent. Once withdrawal of Consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving Consent (due to falling asleep or passing out into a state of unconsciousness, for example).

How to Be an Active Bystander:

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a community culture of accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, call MUPD at (814) 824-3911 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

¹ Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles, 60*, 779-792. ² Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

Risk Reduction:

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
 - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

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

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

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

Mercyhurst University's educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that:

- A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- E. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- F. Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;
- G. Provide information regarding:
 - 1. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this Annual Report);
 - 2. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
 - 3. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report); and
 - 4. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
 - 5. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this Annual Report).

Primary Prevention and Awareness Programs:

The University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs, and requiring incoming first-year students to take online courses related to sexual assault and high risk drinking awareness and education. These trainings include:

- Clearly articulated statements that the University prohibits the crimes of domestic violence, dating violence, sexual assault and stalking.
- The Federal and State definitions of domestic violence, dating violence, sexual assault and stalking.
- The University and State definitions of consent.
- A description of safe and positive options for bystander intervention.
- Information on specific risk reduction strategies.

Ongoing Prevention and Awareness Campaigns:

The University provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, online training programs, printed materials, and related lectures.

Ongoing prevention and awareness campaigns include welcome week speakers; domestic violence month events and activities; sexual assault and awareness month, which includes participation in an annual community “Take Back the Night” event; Step Up! bystander intervention programming; programming specific to developing healthy relationships; and education seminars on the healthy relationships curriculum created in conjunction with community partners.

The following are some specific examples of annual programs currently offered by the University. This list is not all inclusive:

- **Online Education**
EverFi's online sexual assault prevention course is required of all freshmen students to learn effective ways to prevent and report sexual assault on our campus.
- **Orientation Programing**
Incoming first year students participate in information sessions about healthy relationships, the sexual misconduct policy, consent, bystander intervention, and campus and community specific resources. New faculty and employees receive Clery Act and Title IX information during their orientation programs.
- **Extended Orientation Programming**
Incoming first year students take an introduction to Mercyhurst course that addresses civility, sexual violence, bystander intervention, and other topics to introduce the class to the university.
- **Step Up! Bystander Intervention Workshops**
Step Up! Bystander Intervention Presentations help people understand what stops us from intervening in potentially harmful situations and provides tools to intervene. Bystander Intervention workshops cover bystander effect and ways to decide to act when we see someone in need. Participants leave with practical tips to intervene.
- **Healthy Relationships Curriculum** functions on a series of educational modules about relationships: with others (intimate partnerships, dating, ending relationships) and with the self (knowing boundaries, finding one's voice to set boundaries, discerning what is appropriate for the individual, etc.).

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

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible a local Hospital Emergency Department. Sexual Assault Nurse Examiners (SANE) at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement.

It is important that a victim 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 may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if 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 infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or local police.

Involvement of Law Enforcement and Campus Authorities:

Although the University strongly encourages all members of its community to report violations of this policy to the appropriate law enforcement agency, it is the victim's choice whether or not to make such a report.

Furthermore, victims have the right to decline to notify law enforcement. However, the MUPD will assist any victim with notifying law enforcement if the victim so desires. The City of Police Department may also be reached directly by calling (814) 870-1125 during normal business hours, or 911 during off hours or in emergency situations; or in person at the City of Erie Police Department located at 626 State St, Erie PA. Additional information about the City of Erie Police department may be found online at: <https://epd.erie.pa.us/>

NOTE: In the State of Pennsylvania, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must report such incidents to the Department of Public

Welfare’s Child Line (800-932-0313), the police having jurisdiction, and then to their supervisor. Pennsylvania recognizes matriculated students under the age of 18 as “children” for purposes of this law and, as such, the University is mandated to report a criminal complaint of abuse or sexual abuse involving any student victim under the age of 18 immediately to ChildLine and the police having jurisdiction. Law Enforcement authorities may notify the victim’s parents or guardians as stipulated by law.

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

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator (office: 311 Egan; phone: 814-824-2362) by calling, writing, or coming into the office to report in person. Reports of all domestic violence, dating violence, sexual assault, and stalking made to MUPD will automatically be referred to the Title IX Coordinator for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to MUPD.

Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported:

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (office: 311 Egan; phone: 814-824-2362) by calling, writing, or coming into the office to report in person. The Title IX Coordinator will collaborate and coordinate with the Director Residence Life and Conduct for student cases and the Director of Human Resources for employee cases.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the University, below are the procedures that the University will follow.

Incident Being Reported	Procedures Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care 2. Institution will assess immediate safety needs of victim 3. Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department 4. Institution will provide victim with referrals to on- and off-campus mental health providers 5. Institution will assess need to implement interim or long-term protective measures, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution 10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is 11. Institution will enforce the non-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation

<p>Stalking</p>	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate
<p>Dating Violence</p>	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate
<p>Domestic Violence</p>	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of victim 2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to victim on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the victim, if appropriate 6. Institution will provide the victim with a written explanation of the victim’s rights and options 7. Institution will provide a “No trespass” or “No Contact” directive to accused party if deemed appropriate

Facilitated Anonymous Reporting through the Counseling Center/Pastoral Counselors:

Certified Counselors assigned to the Counseling Center and practicing pastoral counselors are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they can report incidents of crime to MUPD, which can be done directly or anonymously. Students may request the Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University’s Annual Security and Fire Safety Report.

The University provides a form on the University HUB, under resources, Title IX-Sexual Respect for anonymous reporting directly to the Title IX Coordinator. The amount of detail provided may enable the University to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or complainant.

Employee Assistance Program:

Mercyhurst University also provides an Employee Assistance Program (EAP) for use by employees. The EAP is available to provide full-time employees assistance with such problems as sexual or physical abuse, depression, marital and relationship conflict, stress, grief, critical incident stress, anxiety, and other personal matters. All full-time employees, regardless of performance, are eligible. The contact number of the EAP is listed in the Resources section of this annual report.

All information relating to an employee's EAP participation is strictly confidential. Only the EAP provider maintains EAP records. The EAP provider does not release specific information about an employee's use of EAP services, unless the employee gives his or her advance written consent. The EAP does not report incidents to any Official OnCampus Resources unless the employee specifically gives them permission to do so.

Assistance for Victims - Rights & Options:

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

Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services in the institution and in the community;
- a statement regarding the institution's provisions about, options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Rights of Victims and the Institution's Responsibilities for Orders of Protection, No-Contact Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution:

Mercyhurst University complies with Pennsylvania State law in recognizing orders of protection.

Any person who obtains an order of protection from Pennsylvania or any reciprocal state should provide a copy to MUPD and the Office of the Title IX Director. A complainant may then meet with Title IX Coordinator to develop a Safety Action Plan, which is a plan for Title IX Coordinator and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom/work site location, or working with Academic Advising on alternative class possibilities, allowing a student to complete assignments from home, allowing an employee to develop a flexible work schedule, etc. The University cannot apply for a legal order of protection, No Contact order, or restraining order for a victim from the applicable jurisdiction(s).

In Pennsylvania, a victim of domestic violence, dating violence, sexual assault, or stalking has the right to file a petition with the courts requesting protection through PFAs, SVPOs, and/or PFIs, which could include the following:

- An order restraining the abuser from further acts of abuse;
- An order directing the abuser to leave the victim's household/place of residence;

- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

When an abuser is not a present or past member of the victim’s household or family, adults and minors can petition for a Sexual Violence Protection Order (SVPO). For example, a SVPO could be granted for a victim who is sexually assaulted by a coworker and who has no other relationship with the coworker – is not now or never was a family relation, spouse, dating partner, or member of the same household.

Protection from Abuse (PFA):

A protection from abuse order is a paper that is signed by a judge that tells or informs the abuser to stop the abuse or face serious legal consequences. It offers civil legal protection from sexual or relationship violence to both female and male victims. In Pennsylvania, there are a few different types of protection from abuse orders (PFA).

These include:

- Emergency Order – Immediate protection when the courts are closed. A victim can contact the local police by dialing 911, and the police will connect the victim with the on-call magisterial district judge. The judge may grant an emergency order through this emergency process based on the facts of the case.
- Ex Parte Temporary Order – “Ex parte” means the judge will make a decision regarding a PFA, based only on the information provided by the victim, without the abuser being in court.
- Final PFA – A judge can grant a final protection from abuse order after a hearing involving the victim, abuser, witnesses, testimony, and evidence.

Protection of Victims of Sexual Violence or Intimidation (PSVI) Act:

The Protection of Victims of Sexual Violence or Intimidation (PSVI) Act defines sexual violence as conduct between persons who are not family or household members that constitutes one of the following crimes:

- Sexual offenses
- Endangering the welfare of children if the offense involved sexual contact with the victim
- Corruption of minors
- Sexual abuse of children
- Unlawful contact with minor
- Sexual exploitation of children

Sexual Violence Protection Order (SVPO):

An SVPO is a civil order designed to protect victims of sexual violence from further abuse and/or intimidation, regardless of whether or not criminal charges have been filed against the perpetrator. Adults and minors (with a parent or guardian to file on their behalf) can petition for an SVPO. Similar in many ways to a Protection from Abuse order or PFA, the key difference is that there is no relationship requirement between the alleged perpetrator and the victim. (While PFAs require an intimate or household relationship between the two parties, an SVPO does not, and is available to all victims of sexual violence.) Examples of situations where the SVPO may be appropriate relief:

- A victim is sexually assaulted by a co-worker (not related or in a relationship; not household members)
- A student is sexually assaulted by another student
- A tenant is fondled by a landlord
- A college student (an adult) who was sexually assaulted experiences harassment from the perpetrator’s friends after reporting the assault

Protection from Intimidation (PFI) Order:

Definition of intimidation under the PSVI Act can be described as harassment or stalking (according to statutes) of a minor (under the age of 18) by an adult (18 or older), when there is no family, dating, intimate, or household relationship between them. The PFI order was created to protect minors who have experienced harassment or stalking when the offender is age 18 or older. An adult (parent or guardian) must petition for the PFI order on the minor’s behalf. Examples of situations where the PFI order may be the appropriate relief:

- A child victim whose offender repeatedly drives by the bus stop
- A teen athlete is stalked by an adult coach
- A teen is harassed online by a teacher

Both SVPOs and PFIs prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering the victim's home, workplace, or school. Both orders can also be expanded to prevent intimidation/contact from a third party on behalf of the offender, or extend to protection to related parties, such as parents, siblings, or children of the victim. The SVPO and PFI orders may be entered for up to 36 months.

MUPD will help put victims who are interested in pursuing a PFA, PSVI, or SVPO in contact with local courts or the local advocacy center of SafeNet. Any student who obtains a protection order from Pennsylvania or any reciprocal State should provide a copy to MUPD and the Office Residence Life. MUPD will help facilitate the reporting of PFA violations to the local law enforcement with jurisdiction.

While not the same as a state-mandated protection order, the University can issue a No Contact Directive. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to: email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

If the University receives a report that such an institutional No Contact order has been violated, the University will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the No Contact order.

Accommodations and Protective Measures Available for Victims:

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

At the victim's request, and to the extent of the victim's cooperation and consent, University offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, or transportation situations regardless of whether the victim chooses to report the crime to law enforcement.

Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc. Issuance of a full, partial, or modified persona non grata (PNG – barring notice) to the respondent may also be appropriate.

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

Students: Contact the Title IX Coordinator and/or Director Residence Life and Student Conduct for assistance.

Employees/Faculty: Contact the Office of Human Resources and/or Provost Office (depending upon employment status).

If the victim wishes to receive assistance in requesting these accommodations, the victim should contact the Title IX Coordinator and/or the MUPD.

Confidentiality:

Victims may request that directory information on file with the University be withheld by request. This request can be made to the Registrar’s Office in person by visiting Old Main 106 or by calling (814) 824-2250. Employees can contact the Office of Human Resources to make a similar request regarding directory information at (814) 824-2279.

Regardless of whether a victim has opted-out of allowing the University to share “directory information,” personally identifiable information (PII) about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know; i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally-identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime and Fire Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Campus Safety Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld; this could include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

On- and Off-campus Services for Victims:

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Mercyhurst University will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services, including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and assistance in notifying appropriate local law enforcement. If a sexual assault or rape should occur on campus, staff on-scene, including MUPD, will offer the victim a wide variety of services. This information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for Mercyhurst University.

These resources include the following:

	Employees	Students
ON CAMPUS		
Counseling/ Mental Health		Mercyhurst University Counseling Center Phone: 814-824-3650 <i>*Confidential Resource</i> <i>(Can make recommendations for local confidential counseling and psychiatric services in the local area)</i>
Health Services		Mercyhurst University Health Center Phone: 814-824-2431 <i>*Confidential Resource</i>
Title IX Coordinator	Title IX: 814-824-2362 Human Resources: 814-824-2279	Title IX: 814-824-2362
Visa and Immigration Assistance/ International Student Support and Services		Director of International Student Services Phone: 814-824-3056
Student Financial Aid		Financial Aid Office Phone: 814-824-2288
LGBTQA Advocacy and Education		Multicultural and Inclusion Coordinator Phone: 814-824-2369

Pastoral Counseling		Campus Chaplain Phone: 814-824-2467 *Confidential Resource
University Police Department	Non-Emergency Phone: 814-824-2304 Emergency Phone: 814-824-3911	Non-Emergency Phone: : 814-824-2304 Emergency Phone: 814-824-3911
Vice President for Student Life		Vice President for Student Life Phone: 814-824-2262
Office of Multicultural Engagement		Multicultural and Inclusion Coordinator Phone: 814-824-2369
Sexual Misconduct Resource Site	https://lakersmercyhurst.sharepoint.com/sites/SPO_STU_TitleIX-SexualRespect	https://lakersmercyhurst.sharepoint.com/sites/SPO_STU_TitleIX-SexualRespect
Facilitated Anonymous Reporting	<i>my.mercyhurst.edu</i> , log in and click on the "Police and Safety" tab. The silent witness form can be found under the services heading. The form is on the left side of the screen under the <i>Police and Safety Links</i> .	A student can go to Health and Counseling or the campus Chaplain to submit an anonymous report. The amount of detail provided in an anonymous report will determine the University's ability to investigate or respond.
OFF CAMPUS		
Counseling/ Mental Health	Employee Assistance Program (EAP) General Assistance: 866-227-6527 Critical Situations: 800-673-2496 *Confidential Resource	
Health Services	UPMC Hamot, 201 State Street – Erie, PA 16550 (814) 877-6000 Saint Vincent, 232 W. 25 th St – Erie, PA 16544 (814) 898-2576	UPMC Hamot, 201 State Street – Erie, PA 16550 (814) 877-6000 Saint Vincent, 232 W. 25 th St – Erie, PA 16544 (814) 898-2576
Victim Advocacy	Crime Victim Center, 125 West 18th Street - Erie, PA 16501 (814) 455-9414 or (800) 352-7273 SafeNet, PO Box 1436, Erie, PA 16512 (814) 454-8161 or (814) 455-1774	Crime Victim Center, 125 West 18th Street - Erie, PA 16501 (814) 455-9414 or (800) 352-7273 SafeNet, PO Box 1436, Erie, PA 16512 (814) 454-8161 or (814) 455-1774
Employee Assistance Program	New Opportunities 814-456-0584 1-800-321-7988	
Visa and Immigration Assistance	30 N. 41 st Street, Philadelphia, PA 19104 Phone: 800-375-5283	30 N. 41 st Street, Philadelphia, PA 19104 Phone: 800-375-5283
Erie Police	Erie County Emergency Center: 911 Nonemergency 814-870-1125	Erie County Emergency Center: 911 Nonemergency 814-870-1125

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

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<https://www.justice.gov/ovw/sexual-assault> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> - Department of Education, Office of Civil Rights

Adjudication of Violations:

The University's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints are completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay. University officials involved in the investigation or adjudication of domestic violence, dating

violence, sexual assault, and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking, as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

1. The accuser and the accused will have timely notice for meetings at which the accuser or accused, or both, may be present;
2. The accuser, the accused, and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the accuser or the accused;
4. The accuser and the accused will have the same opportunities to have others present during any institutional disciplinary proceeding. The accuser and the accused each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The University will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. An Advisor is someone who acts as an advisor to the Complainant or Respondent involved in an investigation or disciplinary proceeding under the University's policies. The Advisor is permitted to be a part of any meetings their student may have. University employees who provide confidential support services (Counseling/Health Services staff and pastoral counselors) or have an actual or perceived conflict of interest (the Title IX Director, MUPD Officers, and the Vice president for Student Life, for example) may not serve as Advisors. A student or employee should select as an advisor a person whose schedule allows attendance at the scheduled date and time for any meetings, because delays will not normally be allowed due to the scheduling conflicts of an advisor.
5. The Advisor may not speak aloud during meetings involving the student and an investigator/adjudicator, but may confer quietly or by means of written notes with their advisee. The Student Conduct keeps a list of trained Advisors. Although the Parties are not required to select a trained Advisor, because knowledge of the disciplinary process is important to the Advisor's role, it is highly recommended that they do so. The Complainant and Respondent are not obligated to accept the counsel of an Advisor.
6. The accuser and the accused will be notified simultaneously, in writing, of any initial, interim, and final decision of any disciplinary proceeding; and
7. Where an appeal or grievance is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing of the procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal or grievance is filed, the accuser and the accused will be notified simultaneously in writing of any change to the result prior to the time that it becomes final, as well as of the final result once the appeal is resolved.

If the Victim Does Not Wish to Pursue Resolution:

In all reported cases of sexual misconduct, the University will conduct a fact-finding investigation to the best of its ability. In cases where the Victim wishes to become a Complainant, this investigative report is provided to the Title IX Director or their designee for a threshold analysis.

In cases where the Victim does not wish to become a Complainant, the University has 2 (two) options:

1. The University may attempt to resolve the complaint in a manner consistent with the Victim's request. This may include holding the report for action at a later date.
2. The University may pursue a judicial hearing against the Respondent named in the investigation. Under these circumstances, the University would take into consideration the nature of the assault, the safety of the Victim and the campus community, as well as the previous disciplinary history and previous allegations of sexual misconduct.

Whether or not criminal charges are filed, the University or a person may file a complaint under the sexual misconduct and grievance procedures outlined on the following pages, depending upon the status of the accused (student or employee).

Student Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Organizational Behavior:

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of hostile environment, retaliation, discrimination, or harassment will be investigated and could result in organizational and/or individual charges.

Any member of the University community may bring allegations against a student group/organization for violation of the Sexual Misconduct and Relationship Violence Policy. The University will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Director, or Director Residence Life and Conduct may confer with the student group/organization's advisor(s), inter/national headquarters and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the University is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations. See Section IX for Organizational Sanctions.

Statement on Privacy

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking (to the fullest extent of the law). Additionally, the University will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant. If the Victim requests anonymity or that the University not pursue an investigation, the University must balance this request in the context of its responsibility to provide a safe environment for all University community members. In cases where the University cannot respect the wishes of the Victim, the University will consult with the Victim and keep them informed about the University's course of action.

If the report of misconduct discloses an immediate threat to the University campus community, where timely notice must be given to protect the health or safety of the community, the University will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community a Campus Safety Alert may make members of the community feel known or singled out.

The University will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the University will inform the Respondent that Title IX prohibits retaliation and the University will take strong responsive action to protect the Complainant.

The University has designated the following individual(s) to evaluate requests for privacy once the University is aware of alleged sexual violence:

Investigation of Reports:

Upon receiving the complaint form, the Title IX Coordinator will begin an investigation or designate an Investigator. The Title IX Investigator will conduct a prompt and thorough investigation, which includes: interviews of parties involved, identifying and interviewing witnesses, gathering and securing all documentation, and identifying other information. The Investigator acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

At any time during the investigation, the Investigator may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate University officials. These protections or remedies may include, but are not limited to, separating the parties, placing limitations on contact between the parties, suspension, making alternative workplace arrangements, or student housing arrangements. Failure to comply

with the terms of interim protections may be considered a separate violation of the Student Conduct Code (see Student Handbook).

The investigation will be conducted to ensure the greatest degree of privacy of all parties involved. However, the institution's ability to promise confidentiality may be limited by its obligation to remedy the harassment or discrimination. All parties involved in the investigation are encouraged to respect the privacy of others involved in the process. Retaliation against the Complainant, Respondent, or witnesses is strictly prohibited. Proven retaliation by any individual will result in disciplinary action, up to and including expulsion, or other appropriate sanctions (See Non-Retaliation Policy Definition).

The investigation shall be concluded as quickly as feasible and within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner that is adequate, reliable, and impartial.

Threshold of Information:

The Title IX Coordinator or designee will review the investigation report to make a determination on the threshold of information. The Title IX Coordinator may determine that there is sufficient information to proceed. If the Title IX Coordinator determines that this threshold has not been reached, the Complainant and Respondent will be notified in writing.

If it is determined that the threshold was not reached, the Complainant will have the opportunity to seek review by the Vice President for Student Life by filing a written request for review within two (2) business days. The Respondent will be notified in writing of this request. The Vice President for Student Life may affirm the threshold finding, reverse the finding, or request additional investigation, as warranted. If the Vice President for Student Life agrees that a case does not reach the threshold for formal resolution, educational sanctions or informal resolution may still be implemented. This decision of the Vice President for Student Life is final.

Interim Measures:

Overview

During the investigation and prior to the final determination, the University may take appropriate interim measures to protect the parties involved; after a fair assessment to determine the need for such interim measures. Interim measures will be individualized and appropriate based on the initial information gathered by the Title IX Coordinator. A Complainant or Respondent may request an interim measure or other protection, or the University may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. Interim measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator. These actions are not a presumption of responsibility for violation of the Sexual and Gender Based Misconduct. Interim measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the University.

Interim measures may prevent a student from attending class and other University activities. The Title IX Coordinator will communicate with Academic Support and a student's faculty instructors and/or advisors at the request of the student in order to determine if alternate arrangements can be made to support a student's completion of academic assignments.

Types of Interim Measures:

At any time after a report of sexual misconduct occurs, the Title IX Coordinator/Investigator/ Director of Student Conduct may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate University officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, making alternative workplace arrangements or student housing arrangements, and suspension. When the Complainant and the Respondent participate in the same courses, reside in the same residence or in proximity to one another, or participate in the same activities (sports teams, organizations on campus, etc.) either party may request a fair and immediate interim remedy.

A student may be separated temporarily from University housing or temporarily reassigned to another residential location on campus. Their original housing location will be held until the process is over. It can be determined that residential relocation is a sanction when appropriate, and at that time the student will move permanently into a location determined by Residence Life.

Class schedule changes. Changes to a student's class schedule may be made on a temporary basis in the event it is deemed appropriate by the Title IX Coordinator or designee. Students may be sanctioned to a permanent change(s) through the normal adjudication process.

Restrictions from University activities and/or facilities. A student may be denied, on a temporary basis, participation in a University activity or privilege for which they may be otherwise eligible as the Dean of Students or their designee determine to be appropriate. Students may also be prohibited from certain facilities including, but not limited to, academic buildings, fraternities, athletic facilities and/or practice and competition spaces, and transportation services. Students may be sanctioned to a permanent restriction(s) through the normal adjudication process.

Work or job assignment changes: Changes to a student's work or job assignment (including internships) may be made on a temporary basis in the event it is deemed appropriate by the Dean of Students or the Director of Student Rights and Responsibilities.

A No Contact Order can help to ensure an environment in which individuals can focus on and pursue their education and/or work. While not the same as a state-mandated protection order, the University can issue a No Contact Order. This includes, but is not limited to, communication that is written, verbal, or physical. Written communication is understood to include all electronic means of communication, including, but not limited to: email, instant messaging, and text messaging. Verbal communication is understood to include phone calls and voice mail messages. A No Contact order may include additional restrictions and terms.

In certain circumstances, it may be necessary to impose suspension immediately. The interim suspension is used when there is substantial reason to fear harm to persons or property, to ensure the safety and well-being of members of the University community, or when there is a threat of or actual disruption or interference with the normal operation of the University. During the period of interim suspension, a defiant trespass notice will be issued. Failure to comply with the terms of interim protections may be considered a separate violation of the Student Conduct Code (see Student Handbook).

Informal Resolution:

A Complainant may elect to pursue an informal resolution to a sexual misconduct complaint. The Title IX Coordinator or Vice President for Student Life has the discretion to determine if it would be appropriate to resolve a complaint under this Policy through informal resolution. An informal resolution is designed to officially resolve complaints promptly, and with mutual approval of all parties involved.

Informal resolutions include, but are not limited to, online education courses, counseling sessions, other educational remedies, or mediation of the complaint conducted by trained staff. Informal resolution may be used in certain cases involving sexual misconduct. Informal resolution will never be used in cases involving allegations of violent sexual assault (including rape, incest, or statutory rape). Both the Complainant and Respondent must agree to engage in informal resolution. Either party can end the informal resolution process at any time, for any reason, and begin the formal resolution process. Formal Resolution may not be initiated after the conclusion of Informal Resolution.

Outcomes of Informal Resolution:

At the conclusion of Informal Resolution, the Student Conduct Administrator or designated University administrator may propose a sanction agreed upon by the parties or may impose or continue a No Contact directive based on information derived from the Informal Resolution proceedings, taken together with any other relevant information known to the University at the time of the Informal Resolution. Actions imposed by the Student Conduct Administrator and designated University administrator may include accommodations to living arrangements, academic courses, or employment; limitations of contact between the parties; and recommendation to counseling for the Respondent.

Formal Resolution:

Any member of the University community, guest, visitor or other interested party may make a report of an alleged violation of the University's Sexual and Gender Based Misconduct Policy. Complaints will be submitted to the Title IX Coordinator. While the University is firmly committed to protecting all students from harassment and discrimination in educational programs and activities, failure to file a timely complaint may adversely affect the ability of the University to investigate a complaint. The university is committed to providing all available resources regardless of when a complaint is filed.

Investigation Process

Upon receiving the complaint form, the Title IX Coordinator will begin an investigation or designate an Investigator. The Title IX Investigator will conduct a prompt and thorough investigation, which includes: interviews of parties involved, identifying and interviewing witnesses, gathering and securing all documentation, and identifying other information. The Investigator acts as a neutral party in the investigation and provides a detailed, unbiased report regarding the findings of the investigation.

At any time during the investigation, the Investigator may recommend that interim protections or remedies for the parties involved or witnesses be provided by appropriate University officials. These protections or remedies may include, but are not limited to, separating the parties, placing limitations on contact between the parties, suspension, making alternative workplace arrangements, or student housing arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Student Conduct Code (see Student Handbook).

The investigation will be conducted to ensure the greatest degree of privacy of all parties involved. However, the institution's ability to promise confidentiality may be limited by its obligation to remedy the harassment or discrimination. All parties involved in the investigation are encouraged to respect the privacy of others involved in the process. Retaliation against the Complainant, Respondent, or witnesses is strictly prohibited. Proven retaliation by any individual will result in disciplinary action, up to and including expulsion, or other appropriate sanctions (See Non-Retaliation Policy Definition).

The investigation shall be concluded as quickly as feasible and within a reasonable amount of time required to complete the investigation. The investigation will be conducted in a manner that is adequate, reliable, and impartial.

Completion of Investigation Process

Within 60 days of the initial complaint being filed, the Investigator will submit a written report to the Title IX Coordinator, or, if necessary, to the Vice President for Student Life. The report will detail allegations made by the Complainant, summarize the Complainant, Respondent, and witness meetings, and describe the findings of the investigation. However, due to the extensiveness or complexity of the issues of an investigation, more time may be needed to complete a thorough and equitable investigation. In those cases, the Complainant and Respondent will be notified in writing that additional time is required. Lack of cooperation by any witness or party will be noted on the investigation report and will not be a reason to delay the submission of the report to the Title IX Coordinator.

An Investigative Report will be compiled by the investigator, will be maintained in a confidential manner, and will be made available for review by the hearing committee and Complainant and Respondent prior to the hearing.

The Investigative Report may include, but is not limited to the following:

- Complainant's statement
- Respondent's statement
- Witness statement(s)
- Investigative Summary
- Pertinent policies
- Other documents utilized by the investigator that are deemed relevant.

The Investigative Report is made up of confidential information. Therefore, the Complainant and Respondent may review the Report, but it will not be copied, and may not be removed by any party. Those reviewing the Investigative Report will be

permitted to take notes. When appropriate, identifiable information may be redacted from the report before it is reviewed.

The Complainant and Respondent will meet separately with the investigator to review the Investigative Report. The Complainant and Respondent will review the report and may:

- Request that additional information be added to the report.
- Ask questions or request clarification.
- Recommend additional witnesses to be interviewed.

The Investigator will consider the requests of the Complainant and Respondent and add clarification to the report, add additional information, or interview additional witnesses as deemed reasonable.

If any changes are made to the report the Complainant and Respondent will again review the report. Once the report is reviewed by both parties and no additional changes need to be made as determined by the Investigator, the report will be presented to the hearing panel. The hearing panel may:

- Accept the report.
- Request clarification and ask questions.
- Request that additional information be gathered.

If additional information is requested by the hearing panel the Investigator will gather the information and repeat the above.

Once the Investigative Report is accepted, a hearing will be scheduled.

Hearing Process

In cases where there will be an administrative hearing or a hearing panel, every effort will be made to provide a hearing as soon as feasible following the conclusion of the investigation. Whenever possible, the Complainant and Respondent will be given at least 5 calendar days' notice to prepare for the hearing. The hearing is a closed proceeding and only the Complainant, Respondent, and relevant witnesses are permitted to attend. One advisor (parent, attorney, counselor etc.) may accompany involved individuals, but may not participate at the hearing.

The Complainant's and the Respondent's rights during the hearing process include:

- An explanation of the charges and the available options for remedy,
- Freedom from harassment by the Respondent (or supporters),
- Use of all available internal and external support services in dealing with the aftermath of the offense,
- An explanation of the University discipline system,
- The ability to speak on their own behalf during the proceedings,
- Freedom from having irrelevant sexual history considered during the hearing,
- Simultaneous notification about the outcome of the hearing,
- An opportunity to appeal the outcome of the hearing,
- An opportunity to review the documents and materials presented during the hearing,
- Documents will be redacted, removing the identifiable information of another student, in accordance with FERPA, and
- The right to a non-adversarial hearing in which neither the Complainant nor the Respondent will have the opportunity to ask the other questions. Typically, neither will be present in the room at the same time.

The goals of the hearing are: a) to allow both the Complainant and the Respondent the opportunity to present their experiences, discuss the investigative summary, and to ask questions pertinent to the incident(s) in question; b) to have the matter considered and decided by an impartial panel. This process is intended to determine whether there was a violation of University Policy. It is not a legal procedure.

Standard of Proof

The standard of proof to determine whether a policy violation has occurred is a preponderance of the evidence standard. This standard means that the fact finder must determine that it is more likely than not that sexual or

gender based misconduct has occurred. This standard is significantly easier to meet than the “reasonable doubt” standard used in criminal cases.

The Hearing Panel

The hearing panel is charged with determining whether a Title IX Policy has been violated and if violated, will provide appropriate sanctions. Whenever feasible, the hearing panel will consist of one chair, and four trained employees. The Complainant and Respondent will be informed of the panel members prior to the commencement of the hearing. A party may challenge a panel member’s participation in writing if the party believes that the panelist is acquainted or associated with the case in any way. This written challenge must be received by the Title IX Coordinator within 3 calendar days of the hearing.

The Hearing Procedure

The Hearing Panel will have the opportunity to thoroughly review the investigative report and documentation submitted by the investigator prior to the hearing. The general course of the hearing procedure will be as follows:

- The Complainant and Respondent will be invited to present a brief statement of the facts to the hearing panel, if they so choose (impact statements are not permitted at this time).
- Members of the hearing panel may ask questions of the Complainant and Respondent.
- The Chair will ask for the members of the hearing panel to determine whether any additional clarification or information is needed from the Complainant, Respondent, investigator, or witnesses.
- The hearing panel will go into closed session to determine whether a violation of policy was committed.
- The decision of the hearing panel that a violation occurred or did not occur will be reached by a majority vote utilizing the preponderance of evidence standard (“more likely than not”).
- If the Respondent is found to have violated the sexual misconduct policy the hearing board will determine the sanction. The sanction will be based on consideration of the specifics facts of the case itself and relevant factors such as prior disciplinary history.
- The Chair will submit an outcome letter to the Title IX Coordinator within 2 calendar days.
- The Title IX Coordinator meet separately with each party to deliver the outcome of the hearing, explain any sanctions, and inform the students of the appeal process. Both parties will also receive the outcome in writing.

At the completion of the hearing, if it is determined that a Title IX Policy has been violated, the hearing panel will be able to review any impact statement submitted by either the Complainant and/or the Respondent. The impact statement, a written explanation of how the offense has impacted him or her, may be no more than three pages and should be submitted to the Title IX Coordinator at the start of the hearing. The impact statement will ONLY be opened and read if it is determined that a Title IX violation has occurred. Otherwise, the sealed envelope will be returned at the time the written decision in the case is issued.

In cases where the Respondent and/or Complainant have chosen not to participate in the hearing procedure, the panel will commence and hear from the party (if one exists) who has chosen to participate in the process.

Due to the extensiveness or complexity of the issues of an investigation, more time may be needed to complete a thorough and equitable investigation. In those cases, the Complainant and Respondent will be advised in writing that additional time is required.

Administrative Hearing

A complaint may be resolved through an administrative hearing. The administrator is charged with determining whether a Title IX Policy has been violated and if violated, will provide appropriate sanctions. An administrative hearing is only considered if the Title IX Coordinator deems it appropriate, and both parties agree that they would prefer this type of hearing. Please note that either party may request that a hearing panel be provided instead.

Appeal Process

The purpose of the appeal process is to ensure that the policies and procedures of Mercyhurst University are administered in a fair and consistent manner. An appeal is a request to the Vice President of Student Life or

designee to review a decision or action. Each party will be notified if the other party files an appeal, and will be provided the opportunity to respond in writing.

The issue in question is not the respondent's original action or incident; rather it is a request for reconsideration of the original decision. When an appeal is heard, the Vice President of Student Life or designee may recommend, eliminate, decrease, increase, modify, or uphold the initial decision or action.

The Complainant and Respondent may appeal: 1) the decision made by the hearing panel or administrator, or 2) the sanctions determined by the panel or administrator. There should be no expectation that an appeal will be successful simply because a party is unhappy with or disagrees with the original decision or action.

The three grounds upon which an appeal of the decision or sanctions may be made are:

1. The individual believes a procedural error occurred, which the individual feels may change or affect the outcome of the decision;
2. The individual has substantive new evidence that was not available at the time of the hearing and that may change the outcome of the decision;
3. The individual feels that the sanction issued as a result of the original decision was disproportionate for the violation, unwarranted or excessive in nature.

The written appeal request should:

- Be submitted within 7 calendar days of receipt of the University's decision to the Title IX Coordinator;
- Include the reasons for the appeal and the requested outcome.

Records:

All resolution proceedings, whether informal or formal, are conducted in compliance with the requirements of FERPA and University policy. No information shall be released from such proceedings except as required or permitted by law and University policy.

- A. Other than University expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record:
- B. Information and disciplinary records are generally not released to third parties without the student's permission. There are two main areas of exception:
 1. The University may release information to parents without student consent when deemed appropriate and is not otherwise prohibited by FERPA or other applicable laws. The University's complete FERPA policy may be found in the Student Handbook.
 2. Information and/or records may be produced in response to a subpoena, warrant, or court order.
- C. In situations involving both a Respondent(s) and a student Complainant who is the victim or target of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the records of the Respondent and Complainant students.
- D. For cases involving a report, complaint, investigation, or informal conduct resolution, or formal conduct resolution under the purview of the Sexual and Gender Based Misconduct Policy, specifically for students found responsible for sexual assault, domestic violence, dating violence, stalking, and sexual harassment, The Title IX Office will retain a record of the report, complaint, investigation, informal, and/or formal conduct resolution for a period of no less than seven years after graduation or withdrawal. Personal identifiers will be removed from all records in accordance to the disciplinary records retention policy. These cases are discoverable by search warrant, subpoena, or federal audit.

Affirmative findings of responsibility in matters resolved through formal conduct resolution are part of a student's conduct record. Such records shall be used in reviewing any further conduct or in developing sanctions and shall remain a part of a student's conduct record until graduation.

- E. Students seeking transfer to other schools or participation in off-campus study programs may also be requested or required to release their disciplinary records. Graduate schools, medical schools, law schools, and some governmental agencies may also request disclosure of student disciplinary records.
- F. Regarding students who withdraw from Mercyhurst with outstanding charges of a violation of the Sexual Misconduct and Relation Violence Policy: Upon receiving the appropriate release of information form signed by the student or former student, institutions and agencies (e.g. Common Application) inquiring as to a student's conduct record and/or eligibility to return or re-enroll at Mercyhurst University may be provided with information regarding the outstanding charges.

Sanctions:

If the Respondent is found to have violated Title IX policies, the panel will determine the appropriate sanctions. Consideration may be given to the nature of and circumstances surrounding the violation, prior disciplinary violations, precedent cases, University safety concerns, or any other information deemed relevant by the Title IX Coordinator. The Title IX Coordinator will provide each party with information detailing the sanctioning decision of the panel.

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose differing sanctions, ranging from a verbal warning to expulsion, depending on the severity of the offense. Mercyhurst reserves the right to take whatever measures it deems necessary in response to an allegation of sex discrimination in order to protect the individuals' rights and personal safety. Such measures include:

- Reprimand/warning,
- Modification of living arrangements,
- Counseling assessment,
- Social or disciplinary probation,
- Removal from University housing,
- Suspension,
- Expulsion.

Employee/Faculty Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

General Standards of Conduct:

Mercyhurst University is committed to operating with integrity and in compliance with all applicable federal, state, and local laws, regulations, and policies. Additionally, all employees are expected to conduct themselves honestly and with a high degree of personal integrity. The mutual respect and collegiality that is gained as a result of adherence to these high standards encourages a positive and productive work environment. This not only involves sincere respect for the rights of others, but also requires that employees refrain from behavior in both their professional and personal lives, that might be harmful to themselves or their coworkers and/or the University. To maintain the integrity of Mercyhurst University and to protect the rights of its employees, its students, and the University itself, employees are expected to conduct themselves honestly, professionally, and ethically at all times.

Additionally, to make the University a safe and pleasant place to work, every employee is expected to observe certain standards of conduct. Certain conduct is of such serious nature that immediate dismissal may be warranted without prior warning or discipline. Examples of such conduct are as follows: gross insubordination; dishonesty; stealing property or merchandise belonging to the University, its suppliers, students, or other employees; private financial relations with customers or suppliers; deliberate damage to University property; fighting; falsifying, or causing to be falsified information on an employment application, time card, or other University documents; unlawful possession, use, or distribution of alcohol; intoxication; the illegal use, sale, manufacture, possession, or distribution of drugs or narcotics; sexual misconduct, other inappropriate sexual conduct, illegal harassment, and/or discrimination; the possession or use of firearms or other weapons on University premises, including in employees' own vehicles; or the use or threat of violence.

The specific conduct described in this section does not include all of the possible grounds for discipline or discharge. These descriptions are intended as illustrations of the types of conduct that must be avoided for the good of our employees, students, visitors, and the University itself.

Because these rules are essential to our most important function - high quality service to our students - as well as to the efficient operation of our business, the provisions of this section will be promptly and fairly enforced. We appreciate the cooperation of every employee in the careful observance of these standards of conduct.

Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior:

All members of Mercyhurst University have the right to work and study in an environment free of discrimination, including freedom from sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior. The intent of this policy is to foster responsible behavior in a working and academic environment free from discrimination and harassment. Thus, Mercyhurst University strongly disapproves of and forbids the sexual harassment of employees or students, and will not tolerate sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior.

Sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, and other sexually inappropriate behavior as defined by this policy is prohibited when it involves any member of the campus community:

- towards a faculty member or employee by a faculty member or employee
- towards a student by a faculty member or employee
- towards a faculty member or employee by a student
- towards a student by a student
- towards a faculty member or employee or student by a visitor or guest of the University.

All members of the faculty, administration, and support staff who have information regarding, are witness to, or become aware of by any means any form of sexual harassment, sexual misconduct, inappropriate sexual behavior,

dating violence, domestic violence, stalking, and/or criminal activity, are required to report the incident as outlined in these policies.

Other Forms of Harassment/Discrimination:

Employees are expected to maintain the highest degree of professional behavior. All harassment or discrimination by employees is strictly prohibited. Further, harassing or discriminatory behavior of non-employees directed at University employees or students also is condemned and will be promptly addressed.

Discrimination occurs when race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age, or any protected status is used as (inappropriate) irrelevant criteria for action. Discrimination is particularly condemned when it exploits and jeopardizes the trust that should exist among members of an educational institution. To preserve a work and study atmosphere that fosters such trust, the University affirms the principle that students, faculty, and staff must be treated equitably and evaluated on the basis of merit rather than irrelevant criteria. When a person intentionally or inadvertently abuses the power and authority inherent in their position, there can be negative consequences both to the individuals involved, as well as to the educational and working environment of the University.

Discrimination also includes harassment. Harassment may be based on a person's race, color, national or ethnic origin, sex, sexual orientation, gender identity or expression, marital status, disability, religion, veteran status, age, or any protected status. It includes a wide range of abusive and humiliating verbal or physical behaviors that are directed against a particular person or persons. In some cases, the conduct may be such that it is clear that it is directed against a particular person or persons, even though the person(s) may not be explicitly identified.

Examples of unacceptable behavior include, but are not limited to, the following:

- physical, emotional, or mental abuse
- racial, religious, ethnic, or gender-based or sexual insults
- derogatory ethnic, religious, or sexual jokes or slurs
- unwelcome sexual comments or advances
- taunting intended to provoke an employee
- requests for sexual favors used as a condition of employment or affecting any personnel decisions such as hiring, promotion, or compensation
- unwanted physical contact such as pinching, grabbing, rubbing, etc.; stalking, bullying, cyber-bullying, etc.

All members of the faculty, administration and support staff who have information regarding, are witness to, or become aware of by any means any form of harassment or discrimination are required to report the incident.

Reporting of Prohibited Conduct, Harassment, and Discrimination Violations:

An individual who reports sexual harassment, sexual violence, intimate partner violence, or stalking, whether the Complainant or a witness, can be assured that all reports will be taken seriously, and that each individual will be treated with dignity, respect, and in a non-judgmental manner from the initial report to the final result. Similarly, a respondent can expect to be treated fairly and respectfully from the initial report to final result.

Any employee or faculty member who believes he or she has been the subject of any form of prohibited conduct, harassment, or discrimination in any form should bring the matter to the Director in the Human Resources Office and/or the Provost. Alternatively, the individual may contact the Mercyhurst University Police Department.

All members of the faculty, administration, and all support staff are required to report incidents of prohibited conduct, harassment, and/or discrimination, including sexual harassment and gender discrimination, sexual misconduct, relationship violence, and sexually inappropriate behavior, that they observe, that they are informed about, or of which they become aware by any means to the Director of Human Resources and/or the Provost. Alternatively, the individual may contact the Mercyhurst University Police Department.

Investigation of Reports:

All concerns will be taken seriously and directed by the Human Resources, which will then inform the alleged respondent about the University's policy regarding such behavior, and advise the respondent that retaliation is prohibited.

The University's Title IX Coordinator will be notified of all Title IX/VAWA related claims. In those cases, the Title IX Coordinator will determine to whom to assign the responsibility to investigate. The investigation will typically involve interviewing the individual who believes they have been harassed; interviewing the individual who has been accused; and interviewing any witnesses or those who are believed to have relevant information about the claim. The individual being accused generally has the right to know who has made an allegation against them. The supervisor of an employee making a claim and the supervisor of an employee being named in a claim may be notified of the claim, only if appropriate.

Review:

When the individual making a claim or the accused is a member of the faculty, the investigation will normally be assigned to the Provost Office. Generally, the Provost will conduct the investigation with the Director of Human Resources, meeting with the individual making the claim, the individual who has been accused, and any witnesses or those who may have relevant information. Any corrective action toward a faculty member will be determined based on procedures set forth in the Faculty Handbook.

When a claim involves an employee of the University other than a faculty member, the investigation will typically be assigned to the Director of Human Resources. The Title IX Coordinator may delegate responsibility for the investigation to another member of the professional staff or person(s) authorized by the University as appropriate. Any corrective action toward a member of the professional staff will be based on standard University procedures. The University, in its sole discretion, makes disciplinary decisions.

Student complaints about a faculty member or another employee of the University will be reviewed by either the Provost (in the case of a faculty member) and the Title IX Coordinator (in situations involving Title IX/VAWA related claims) or the Director of Human Resources (in the case of an employee).

Faculty or staff complaints about a student will be reviewed by the Title IX Coordinator or trained designee. The judicial procedures for sexual harassment grievances are outlined in the Student Code of Conduct.

Student complaints about other students will be reviewed and investigated per the Sexual Misconduct and Relationship Violence Policy by the Title IX Coordinator or Director of Student Life and Conduct. The judicial procedures for sexual harassment grievances are outlined in the Student Code of Conduct.

During the course of an investigation, the individual conducting the investigation may consult with or notify the University President, the Provost, University Counsel, the Vice President of Student Life, the Director of Human Resources, the Chief of Police, and/or another administrator, or outside legal counsel as appropriate.

Confidentiality will be maintained throughout the investigation to the extent practicable and consistent with the University's need to undertake a full and impartial investigation. Only those with a business need-to-know will be involved in the investigation.

In cases involving an issue or concern outlined in the Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior Section only, both the Complainant and/or the Respondent may have an advisor of their choice present during the investigation. The role of an advisor is to support the Grievant/Respondent, but the advisor may not represent the Grievant/Respondent during the investigation. The Grievant/Respondent may speak quietly with their advisor or request a short break in order to speak.

Employees questioned by the University during the course of an investigation are required to provide their full cooperation. In turn, it is the expectation of the University that all those involved in an investigation, including

the individual making the claim, the individual who has been accused, and any witnesses will be treated with dignity and respect during the course of the investigation.

If criminal conduct has been alleged, the claimant may elect to file a complaint with the appropriate authorities. The University will conduct its own investigation, even if a criminal investigation occurs.

The University will normally conclude its investigation in a period of 60 days or less. In rare cases where the matter presents particular complexities or the unavailability of witnesses, the time period may be extended. All investigations will offer an equal opportunity for the accuser and the accused to present relevant witnesses and other evidence. At the conclusion of the investigation, appropriate administrators of the University will determine whether a violation of this policy occurred using a “preponderance of the evidence” standard. This means that, based on the totality of the evidence, harassment more likely than not occurred (not a “clear and convincing evidence” standard).

In investigations that implicate rights protected by Title IX, the individual making the complaint, as well as the alleged offender, will be apprised of the outcome of the investigation in writing. The University Grievance Procedure is available to employees after a determination has been made by the appropriate administrator, as discussed above (as long as it meets one of the three grounds identified in the policy).

If harassment or other violation is found to have occurred, immediate and appropriate action will be taken to stop the harassment or other violation, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

Where a Respondent has been found responsible, the University will take appropriate actions, which may include disciplinary and corrective actions designed to prevent future occurrences. Sanctions may be issued individually, or a combination of sanctions may be imposed. The determination of sanctions is based upon a number of factors, including: the nature, severity of, and circumstances surrounding the violation; the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by the Respondent; the impact of the violation on the community, its members, or its property; any previous disciplinary history; previous complaints or allegations involving similar conduct; and any mitigating or aggravating circumstances. Disciplinary measures may consist of actions including verbal warning, written warning, last chance agreement, suspension without pay, or possible termination of employment. Employees found responsible for incidents of sexual violence or assault will receive a more significant sanction, up to and including termination. The determination of sanction is made by the Director of Human Resources. Faculty disciplinary matters will be handled per procedures outlined in the Faculty Handbook.

In appropriate cases, the University may determine that the misconduct was motivated by bias, insofar as a Complainant was selected on the basis of their race, color, ethnicity, national origin, religion, sex, sexual orientation, gender expression, gender identity, age, veteran’s status, marital/family status, genetic information, or disability. Where the University determines that the misconduct was motivated by bias, the University may elect to increase the sanction imposed as a result of this motivation. Disciplinary sanctions may range from probation to permanent separation from the University. They may also include any educational, remedial, or corrective actions as warranted.

Notice of Outcome and Sanction:

In investigations that implicate rights protected by Title IX, the individual making the complaint, as well as the alleged offender, will be apprised of the outcome of the investigation in writing.

Grievance Appeal Procedure:

This University Grievance Appeal Procedure is available to employees after a determination has been made by a University administrator as discussed above.

Purpose: The University Grievance Appeal Procedure exists as a means to contest a determination that has been made regarding an alleged violation of the University’s Harassment and Discrimination-Free Workplace

Policy, including any Title IX related claims. There are three grounds for which either party may grieve under this procedure:

1. Unreasonable Sanction – The Reporting Party or the Responding Party believes that the discipline/sanction imposed was unreasonable for the violation of policy for which the Responding Party was found responsible;
2. Procedural Error – A clear procedural error occurred during the investigative stage preventing either the Reporting Party and/or the Responding Party a reasonable opportunity to prepare and present information to the investigator(s) that could have reasonably affected the outcome of the matter; or
3. New Information – There is a discovery of new information that was not available at the time of the investigative process and which could have reasonably affected the outcome of the matter.

What Categories of Grievance Are Not Covered by the University Grievance Appeal Procedure:

The University Grievance Appeal Procedure does not apply to issues concerning compensation, classification, work standards, other University policies, matters that are beyond the control or jurisdiction of the University, or any disciplinary matter or termination unless the employee believes that such actions were the result of unlawful discrimination or harassment.

Additionally, dismissal of a faculty member for cause, non-reappointment of a non-tenured faculty member, or tenure/promotion issues may not be addressed with the University Grievance Appeal Procedure. These faculty issues, which may be addressed using procedures found in the Faculty Handbook, are under the purview of the Faculty Grievance Committee, a faculty committee that is distinct from the University Grievance Committee created under this policy.

The Grievance Appeal Procedure is not a legal proceeding but a Mercyhurst University community procedure created with the health and welfare of the University's employees in mind. The University Grievance Appeal Procedure may be used freely without fear of retaliation, and the Directors of Human Resources, working with the Provost and/or the Vice President for Student Life, if appropriate, are available for assistance throughout the process.

Composition of the University Grievance/Appeal Committee:

Under this policy, Mercyhurst University maintains a body called the Grievance/Appeal Committee. Members of this committee are appointed by the President of the University for terms of three years. The University Grievance/ Appeal Committee is composed of three tenured faculty members, three administrators, and three support staff members. The Chair of the University Grievance/Appeal Committee (appointed by the President) will be a tenured faculty member and may serve as one of the four voting members of a grievance hearing panel. The University Grievance/Appeal Committee receives harassment and discrimination training and is knowledgeable of the University's Employee Harassment and Discrimination-Free Workplace Policy.

Grievance Appeal Process:

1. The employee must file a [Notice of Grievance Form](#) within seven (7) business days of the determination with (1) the Director of Human Resources in the case where the grievant is an administrator or support staff member, (2) the Provost in the case where the grievant is a faculty member, or (3) the Vice President for Student Life in the case where the grievant is a student employee. This form will ask the grievant to identify which of the three grounds (or combination of the three), referred to in the Purpose discussion above, he or she seeks to have addressed. The grievant will be asked to make a formal statement outlining the specifics of his or her grievance.
2. Upon receiving the [Notice of Grievance Form](#), the Director of Human Resources, the Provost, or the Vice President for Student Life will forward the Notice to the Chair of the University Grievance/Appeal Committee. From the appointed University Grievance/Appeal Committee members, the Chair will select a hearing panel of an additional three members, including one staff member and one administrator. If a student is a party to the grievance, the student may request of the Chair of the University Grievance Appeal Committee that the hearing panel include one student appointed by the Director of Student Life

and Conduct from the student members of the Student Conduct Review Board. The Chair will endeavor to have an appropriate level of diversity on the hearing panel. When appropriate, the President will assign staff support to assist with the administrative functions of the hearing panel.

3. The hearing panel will meet to review the formal grievance/appeal within the context of the University Grievance/Appeal Procedure. The hearing panel may decide on the basis of the written grievance that the challenge does not satisfy one of the three grounds for a grievance. The hearing panel may engage in additional fact-finding, including pre-hearing interviews and review of other materials reasonably necessary to decide whether one of the three grounds of the grievance have been met. If the hearing panel concludes that the challenge does not satisfy one of the three grounds, the hearing panel will promptly forward its decision (which is final) to the Director of Human Resources, the Provost, and/or the Vice President for Student Life, and/or another administrator as appropriate.
4. The hearing panel shall determine whether, and to what extent, the grievant may participate in the hearing and in pre-hearing matters, and to the extent to which the grievant has access to documents reviewed by the hearing panel. In cases involving an issue or concern outlined in Section I only of the Employee Harassment and Discrimination-Free Workplace Policy (*Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior*), if the hearing panel wishes to speak to the grievant or the respondent, either party may have an advisor of their choice present during the grievance proceedings.
5. If and only if the hearing panel decides that one or more of the three grounds for a grievance are met, the hearing panel will promptly schedule a hearing. The hearing will not revisit the entire matter, but will be limited to addressing the grounds for the grievance. At this hearing, the burden of proof will be on the grievant to establish the foundation for the grievance by a preponderance of the evidence. The hearing will be a closed meeting, including only those persons whom the hearing panel deems necessary to address the grounds for the grievance. Witnesses will be present only when their testimony is being taken.
6. In cases involving an issue or concern outlined in Section I only of the Employee Harassment and Discrimination-Free Workplace Policy (*Employee and Student Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, and Sexually Inappropriate Behavior*), both the grievant and/or the respondent may have an advisor of their choice present during the grievance. In cases involving other forms of harassment or discrimination, the grievant may choose any current faculty member, administrator, support staff member, or student who is not directly involved in the case to serve as his/her advisor. There will not be attorneys present for the parties in cases involving other forms of harassment or discrimination. In all cases, the role of an advisor is to support the grievant/respondent, but the advisor may not represent the grievant/respondent during the grievance. In all cases, the grievant/respondent may speak quietly with his or her advisor or request a short break in order to speak.
7. The hearing panel will make a recommendation concerning the allegations of the grievance based on a majority vote. If there is no clear majority vote, the hearing panel will report the outcome to the appropriate administrator as set forth below. Promptly after the completion of the hearing, the grievant will be advised of the recommendation of the hearing panel. The hearing panel will also advise one or more of the following persons: the Provost, if the grievant is a faculty member administrator or support staff member; or the Vice President for Student Life, if the grievant is a student. If one of these administrators is the Reporting Party or the respondent in the original hearing, the hearing panel will advise the President of the University of its recommendation instead of that administrator. The hearing panel has no restrictions upon it as to what it may recommend: from a finding that the grievance is not established, to a reprimand, to further proceedings for dismissal of the employee.
8. The administrator, who is advised of the outcome of the hearing as set forth in paragraph 7 above, will review promptly the recommendation of the hearing panel. This administrator, who is not bound by the recommendation of the hearing panel, will determine any resolution of the grievance, including a sanction, within the authority of his or her position. The decision of this administrator is final.

Interim Measures:

During the investigation and prior to the final determination, the University may take appropriate interim measures to protect the parties involved. A Complainant or Respondent may request an interim measure or other protection, or the University may impose interim measures at its discretion to ensure the safety of all parties, the University community, and/or the integrity of the process. These actions are not a presumption of responsibility for violation of the Standards of Conduct Policy. Interim measures may be imposed whether or not formal disciplinary action is sought by the Complainant or the University.

Types of Interim Measures:

The University, after consulting with the Complainant and Respondent, will determine which measures are appropriate to ensure the Complainant's safety and equal access to employment:

- Assistance in alternative University employment arrangements and/or changing work schedules, when possible
- A No-Contact Directive, pending the outcome of an investigation. Such directives serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Providing an escort to ensure that the employee can move safely across campus
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services
- Issue a full, partial, or modified persona non grata (PNG) to the respondent if appropriate
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy

The University will work with the Complainant and the Respondent to identify what interim measures are appropriate in the short term, and will continue to work collaboratively throughout the University's process and as needed thereafter to assess whether the instituted measures are effective and, if not, what additional or different measures are necessary.

University-initiated Protective Measures:

In addition to those protective measures previously described, the Title IX Director or designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: a University order of No Contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined the Title IX Coordinator, Director of HR, Vice President for Student Life or Provost.

Notification to Victims of Crimes of Violence:

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

SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION

The Adam Walsh Child Protection and Safety Act of 2006 provides for the registration and tracking of sex offenders. Institutions of higher education are required to issue a statement advising the campus community of where to obtain law enforcement agency information provided by a state concerning registered sex offenders. The law also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student.

In the Commonwealth of Pennsylvania, information regarding registered sex offenders who are subject to community notification may be obtained from a community member's respective local municipal police agency and/or the Pennsylvania State Police. In the City of Erie, information regarding registered sex offenders who are subject to community notification may be obtained at the City of Erie Police Department, located at 626 State Street (phone: 814-870-1125); or at the Pennsylvania State Police – Lawrence Park Barracks, located at 4230 Irquois Ave (phone: 814-989-1641). This information can also be obtained by visiting the Pennsylvania State Police's Megan's Law website at: <https://www.pameganslaw.state.pa.us/>

RESIDENCE HALL ROOM OPTIONS/ROOM ASSIGNMENTS

Room selection is conducted each spring for rising sophomores, juniors, and seniors using a lottery process. Lottery numbers are assigned by expected graduation term (not credits). During the spring semester, students receive full instructions pertaining to residence hall room selection for the next academic year. Each student is encouraged to have a roommate before participating in the room selection process. Since Mercyhurst University is a residential University, a limited number of seniors are released from the residency requirement and given permission to live off campus each year through an application process. Off-campus approval is granted in the spring for the following year as part of the room selection process. Students who live off-campus are expected to do so for the entire year.

GUESTS/VISITORS

University housing is provided for the exclusive use of Mercyhurst university students as assigned by residence Life.

. Visitors may be allowed to use residence facilities with the following guidelines:

- In order for a student to host a guest in the room, the student must ask all other roommates for permission to host a guest. Students are not able to host a guest unless all other roommates agree to allow the guest into their space.
- Visitors are permitted for only three consecutive days and totaling no more than 8 days in a one-month period. No student is authorized to permit extended use of University housing facilities (including rooms) to any visitor, either student or non-student, when such use, because of its duration or frequency, constitutes a de facto sub-contracting of University facilities to an unauthorized person.
- No student is authorized to permit use of University housing facilities (including rooms) for any visitor, either student or non-student, when such use becomes a source of complaint to the roommate(s), members of the floor/residence hall, or University staff.
- The host student has complete responsibility for all visitors. Students accused of violating this policy may be subject to conduct action. If visitors violate University policy, the host student will be held responsible and is subject to conduct action. The visitor, either student or non-student, will be removed from University housing and may be prohibited from returning to campus.
- Guests must register their vehicle with MUPD.

TRAINING OF RESIDENCE HALL STAFF

The Mercyhurst University Police Department (MUPD), and Director of Protective Services provide annual security and life safety training. This training minimally includes: introduction of officers, description of services offered, instruction on fire safety hazards and building evacuation, instruction on the emergency operations plan and emergency notification system, training related to the Clery Act and Campus Security Authorities (CSA), Title IX Awareness training, and general information on requesting emergency assistance from Public Safety.

Other related training conducted for the Resident Assistants by members of MUPD and the Director of Protective Services: locking buildings, responding to fire alarms, and other crisis response procedures. Several times each academic year, MUPD and Protective Services are invited into each traditional residence hall to conduct informal meetings with students on security, fire and enforcement procedures.

WEAPONS POLICY

Mercyhurst University Police Officers are armed and carry firearms. Officers are Taser and Baton certified, and patrol officers and security Officers may carry pepper spray and handcuffs. Outside law enforcement personnel who are authorized to possess weapons may do so within the scope of their authority. No other persons are permitted to possess weapons on University property, even if such weapons are legally registered.

COMMUNITY COMPLAINTS/FEEDBACK

The Mercyhurst University Police Department encourages community members to bring forward legitimate grievances regarding misconduct by employees. Any member of the Department will receive complaints courteously, and they will be handled efficiently. All complaints will be taken seriously and thoroughly investigated by the Chief of Police or designee. Additionally, the University occasionally conducts community surveys to receive feedback regarding its operations and services. The Chief of Police uses this feedback as part of the Department's strategic planning process. Students are an integral part of the Department's operations and strategic planning process. Regular feedback regarding the Department's performance is received from a variety of student groups and organizations.

MISSING STUDENTS

The University has adopted a missing student notification policy for students residing in on-campus residential facilities. In addition to registering a general emergency contact, all students residing in on-campus student housing facilities have the option to annually register confidential contact information for a person to be notified by the University in the event the student is officially reported as missing by completing Mercyhurst University online Missing Person Contact page. The University will ensure that all students are able to update their contact information whenever needed. These procedures and registration process are communicated to students when registering for housing each academic year. The contact information will be confidential, accessible only by authorized campus officials and law enforcement, and may not be disclosed outside a missing person investigation. If a student has identified such an individual, MUPD or Residence Life officials will notify that individual no later than 24 hours after the student is determined to be missing.

If a member of the University community has reason to believe that a student who resides in on-campus student housing is missing, they must immediately notify MUPD at: (814) 824-3911. MUPD will generate a Missing Person report and initiate an investigation.

After investigating the Missing Person report, should MUPD determine that the student is missing and has been missing for more than 24 hours (regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor), MUPD or a representative from Residence Life will notify the City of Erie

Police Department, North East Police Department, Pennsylvania state Police or law enforcement authority with jurisdiction and the student's emergency contact no later than 24 hours after the student is determined to be missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

If the missing person is under the age of 18 and is not an emancipated individual, MUPD or a representative from Residence Life must and will notify the student's custodial parent or legal guardian, the missing person contact, and the Erie Police or local law enforcement with jurisdiction immediately after MUPD has determined that the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student.

If a student has been determined missing for more than 24 hours, in addition to the above notifications, specific procedures to follow include: contacting the student's RAs, checking with emergency health care providers, and taking such other investigative actions as are appropriate under the circumstances. The University will implement these procedures in less than 24 hours if circumstances warrant a faster implementation.

Section 3701(a) of the Federal Crime Control Act of 1990 (42 U.S.C. 5779 (a)) eliminated any waiting period before initiating an investigation of a missing person under the age of twenty-one (21) years and reporting that person to the National Crime Information Center (NCIC) of the Department of Justice. Officers will manage reports of missing persons eighteen (18) to twenty (20) years of age consistent with this general order and without regard to their adult status. This is referred to as "Suzanne's Law".

EMERGENCY MEDICAL RESPONSE PROCEDURES

Students, faculty, staff, and guests should report any emergency medical situations to Mercyhurst Police Department immediately at: (814) 824-3911, or to the Erie County emergency center by dialing 911.

MUPD uniformed patrol supervisors and officers are Red Cross-trained as emergency medical responders to provide medical assessment and basic emergency care. MUPD can summon an ambulance through the Erie County Emergency Center.

CRIME PREVENTION, FIRE SAFETY, AND SAFETY AWARENESS PROGRAMMING

Mercyhurst University offers many programs designed to inform students and employees about campus security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Crime prevention programs on personal safety and security are sponsored by various campus organizations throughout the year. These programs include general crime prevention and security awareness programs, such as safety education forums, programs, and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety, emergency response and evacuation procedures, and theft prevention. MUPD, Protective Services, Residence Life, Campus Involvement, Health and Counseling Center, Student Conduct, and the Title IX Director participate in forums, panels, meetings, and programs in residence halls and fraternities to explain University security, campus safety, campus policies, and expectations related to student conduct and behavior and fire safety measures and procedures at Mercyhurst University with all incoming students during the fall orientation program.

New-employee orientation includes the distribution of crime prevention and fire safety materials to all new employees during scheduled orientation sessions throughout the year.

Additional safety awareness and crime prevention training/programming occurs at the end of each fire/evacuation drill, during RA, HD, and AD training, and during other special campus events and safety forums throughout the year.

ANNUAL FIRE SAFETY REPORT

Mercyhurst University Police Department publishes this Fire Safety Report as part of its annual Clery Act Compliance document, via this annual report, which contains information with respect to the fire safety practices and standards for Mercyhurst University. This report includes statistics concerning the number of fires within on-campus residential facilities, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. The compliance document is available for review 24 hours a day at the MUPD, and a physical copy may be obtained by making a request to MUPD by calling (814) 824-3911, or by visiting MUPD Headquarters in person at McAuley Hall Lower Level, 501 E 38th St. Erie Pa.

General Residence Hall Fire Safety:

With exception as noted below, all of Mercyhurst University on-campus residential student housing facilities are completely covered by integrated automatic sprinkler and hard-wired addressable fire alarm systems, which are monitored twenty-four hours a day, seven days a week by MUPD communications center.

Special Notes:

1. Residence halls located on campus at the Wayne Street Apartments, 41st. Townhouses, and Lewis Av. Townhouses. These spaces within are not covered by a sprinkler system or hard-wired addressable fire alarm (smoke detectors were included and fire alarms reported locally on-site).

In addition, on-campus residential facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors, fire tower stairways, and emergency phones. A quality control program ensures that each building is inspected by trained building inspectors on a regular basis to ensure that these systems are in working condition, and includes a yearly fire alarm systems test and inspection. In addition, the sprinkler systems are tested and inspected quarterly.

Each resident is notified of the Student Handbook, which includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. Every student room has an emergency evacuation map installed on the inside of the front door as well, to direct occupants to primary and secondary exits. Fire drills are conducted each biannually by the Director of Protective Services.

If a fire occurs in a Mercyhurst University-owned, -rented, -leased, or otherwise controlled building, community members should immediately notify the local fire department by dialing 911. MUPD can be contacted at (814) 824-3911. MUPD will initiate a response to all fire alarms or reports it receives. Upon confirmation of a fire, MUPD will immediately summon the local fire department for assistance by contacting the 911 Erie County Emergency Center.

Fires should be immediately reported to the Mercyhurst Police Department (MUPD). If a member of the Mercyhurst University community finds evidence of a fire that has been extinguished, and the person is not sure whether MUPD has already responded, the community member should immediately notify MUPD to investigate and document the incident. For example, if a housekeeper finds evidence of a fire in a trashcan in the hallway of a residence hall, they should not touch the trashcan, and should report the incident to MUPD immediately and wait for an officer's response. The officer will document the incident prior to removing the trashcan. Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. Community members should familiarize themselves with the exits in each building.

The Protective Services Director can work with other University offices to levy fines and penalties upon individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety! When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

Procedures for Students and Employees in the Event of a Fire:

Find nearest pull station and sound central alarm, or call 911, or contact MUPD directly at: (814) 824-3911.

- Shut all doors and windows in the vicinity of the fire
- If the fire is small, use fire extinguishers to put it out
- Exit by nearest safe stairway
- Do not use the elevators
- Do not run
- If there is smoke in the room, keep low to the floor
- Try to exit the room, feel the doorknob
 - If it is hot, do not open the door
 - If the doorknob is not hot, brace yourself against the door and crack it open
 - If there is heat or heavy smoke, close the door and stay in your room
- Don't panic
- Seal up the cracks under the door with sheets, or towels
- If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room
- Call MUPD at: (814) 824-3911; be sure to give your room number and your location
- If you can exit the room, put on shoes (and if necessary a coat). If smoke is evident, get a wet towel to cover your face
- Close all doors
- If in exiting the building you are blocked by fire, go to the safest fire-free area, or stairwell. If a phone is available call MUPD; or find a window, and signal that you are still in the building.

Student Residence Hall Fire Evacuation Procedures in Case of a Fire:

- The fire alarm system may be used to evacuate a building(s) if there is a potential threat to the health and safety of that segment of the community.
- Activate the building fire alarm if it is not already sounding. Pull a fire alarm station on the way out.
- Leave the building by using the nearest exit.
- Crawl if there is smoke. Cleaner, cooler air will be near the floor. Get Low and Go.
- Before opening any doors, feel the metal knob. If it is hot, do not open the door. If it is cool, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay out of the room.
- Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat, or smoke, go to another exit. Always use an exit stairway, not an elevator. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Stairway fire doors will keep out fire and smoke, if they are closed, and will protect you until you get outside. Close as many doors as possible as you leave. This helps to confine the fire. Total and immediate evacuation is safest. Only use a fire extinguisher if the fire is very small and you know how to do it safely. Do not delay calling emergency responders or activating the building fire alarm. If you cannot put out the fire, leave immediately. Make sure the fire department is called—even if you think the fire is out.
- If you get trapped, keep the doors closed. Place cloth material (wet, if possible) around and under door to prevent smoke from entering.

- Be prepared to signal your presence from a window.
- Signal for help. Hang an object at the window (jacket, shirt) to attract the fire department's attention. If there is a phone in the room, call 911 or 3911 from an on-campus phone, or (814) 824-3911 from a cellular phone, and report that you are trapped. Be sure to give your room number and location. If all exits from a floor are blocked, go back to your room, close the door, seal cracks, open the windows if safe, wave something out the window, and shout or phone for help.
- If you are on fire, stop, drop and roll, wherever you are. Rolling smothers fire.
- Cool burns. Use cool tap water on burns immediately. Don't use ointments. If skin is blistered or charred, call for an ambulance.
- Be aware of obstacles. Storage of any items in the corridors, such as bicycles, chairs, desks, and other items is prohibited in all exit ways, including stairwells. Blocked exits and obstacles impede evacuation, especially during dark and smoky conditions.
- If you are a person with a disability (even temporarily), you should do the following:
 - Learn about fire safety
 - Plan ahead for fire emergencies
 - Be aware of your own capabilities and limitations

Plans for Future Improvements in Fire Safety:

We strive to constantly improve and expand on our in-service training sessions for all Residential Life student staff, MUPD staff, and other housing staff. This training includes basic fire safety topics and hands-on fire extinguisher training courses.

The University continues to assess and upgrade fire safety equipment as an ongoing process, to ensure that all equipment meets National Fire Safety standards. Future improvements will be made as needed as part of the ongoing assessment, budget, and strategic planning process.

Life Safety Inspections and Violations:

The Office of Residence Life conducts full-scale Health and Safety (H&S) inspections three times a year – once during winter break, once during spring break, and once during the summer months prior to the start of each fall semester. Life and Fire Safety building inspectors conduct regular inspections of residential hall common areas throughout the academic year. Full-scale building/hall inspections are announced. Not all common area inspections are announced. The Life Safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential Guidelines, which include life and fire safety rules and regulations for residential buildings.

The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room, tampering with life safety equipment, possession of pets, etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room.

Prohibited Items and Prohibited Conduct:

If a student's behavior does not meet University community expectations or is in violation of the policies outlined in the Residence Hall Housing License Agreement or the Handbook of Student Rights and Responsibilities, they may expect conduct action. Mercyhurst University expects students, as adults, to maintain a standard of personal discipline that is in harmony with the educational goals of the institution, federal, state, and local laws, and to respect the rights, privileges, and property of fellow students, faculty, staff, and administrators. Students are responsible for the items contained in their rooms and the events that occur in their rooms. Special surveillance resources may be utilized by the University when conduct issues become chronic or disruptive.

Prohibited Items:

The following items are prohibited in residence halls:

- Guns; firearms; knives longer than three inches; or weapons of any type, including BB and pellet guns
- Candles and/or incense (lit or unlit)
- Tapestries, banners, and flags. These items cannot be hung on walls, ceilings, or over windows. Window treatments such as curtains must be made of a fabric that resists or retards the spreading of flames and has either a UL fire rating #723 or NFPA 225
- Room-heating devices, including all space heaters, kerosene or oil lamps, and alcohol burners
- Gasoline-powered items, such as motorcycles, mopeds, or parts thereof
- Pressurized tanks (e.g., helium tanks)
- Flammable and/or combustible liquids and/or chemicals, including gasoline and charcoal
- Grills of any type (except UL-listed Foreman-style grills in apartments)
- Fireworks, smoke bombs, sparklers, etc.
- Drug paraphernalia and illegal drugs
- Animals or pets of any kind, except certified service animals or non-carnivorous fish; refer to the University's Pet Policy in the Student Handbook and on the University website
- Light dimmers, ceiling fans, or any other device that replaces, adds to, or interferes with any room apparatus
- Excessive furniture that blocks or restricts egress from sleeping areas
- Physical training equipment
- Three-section couches
- Waterbeds, and beds other than twin size
- Dartboards and darts
- Nails, hooks, double-faced adhesive tape, or other items that will damage walls
- Live trees
- Personal lofts
- Hoverboards

The following electrical appliances and corded items are prohibited in residence halls (Note: all cords and permitted appliances must be UL Listed):

- Portable and electrical appliances (including toasters, toaster ovens, hot plates, etc.)
- Halogen lamps
- Overloaded electrical receptacles
- Faulty or old extension cords
- Portable washers, dryers, and dishwashers
- Personal room refrigerators (only permitted in apartments)
- Air conditioners (except for a certified disability)
- Microwaves other than a microfridge (microwaves are permitted in apartments, limit one)

NOTE: The preceding list is not all inclusive; any item that is a threat to public safety may be removed. In addition to confiscation, violators may pay a monetary fine and may be subject to Conduct action.

Prohibited Conduct:

The following activities and actions are prohibited in residence halls and may result in conduct action:

- Smoking inside any residential space, this includes the use of electronic cigarettes
- Open flames
- Draping or placing objects, including fabric, over lighting fixtures, smoke detectors, or fire sprinkler systems
- Hanging cardboard, plastic, or fabric (e.g., tapestries, banners, and flags) on walls, ceilings, light fixtures, or fire sprinkler apparatus. Posters on walls can't exceed 25% of the total wall surface.
- Hanging stringed lights on the exterior of buildings without the advance, expressed, written consent of the Office of Residential & First-Year Programs. Inside residence halls, students may use up to three strands of stringed lights per room; all stringed lights must be UL-approved.
- Wrapping or placing wires or stringed lights in the area of beds

- Lending keys to others, copying keys, possession of keys that are not authorized for your use
- Water fights, ball playing, bike riding, or similar activities that may cause harm to persons or property
- Storage of bicycles in stairwells, halls, or rooms
- Storage of personal items such as sports bags/equipment, furniture, or suitcases in stairwells or halls
- Throwing any items into or out of windows
- Altering, tampering, or dismantling any door closure or propping open any exterior door
- Cooking food in individual rooms (other than in microfridges)
- Solicitation of goods or services, except by Mercyhurst University students who have received prior approval from the Vice President for Student Life
- Painting, wallpapering, or similarly decorating individual rooms or common areas, unless prior approval is given by the Office of Residential & First-Year Programs and Facilities Services
- Repairing any damages or the removal or replacement of light bulbs in ceiling fixtures that have not been provided by the Facilities staff
- Removal, destruction, disassembling, or altering of any furniture in a room
- Removing screens from windows
- Installing wall partitions or paneling
- Modifying or tampering with circuit breakers or any part of the electrical system
- Installing and subscribing to a cable or satellite TV provider
- Installing personal locks or chains on doors or windows
- Sleeping in public areas of the residence halls by residents and/or guests
- Entering the Quarry pond - this includes wading, swimming, and ice skating
- Vehicle maintenance on University property

DAILY CRIME AND FIRE LOG

The Mercyhurst University Police Department makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection at the MUPD Headquarters, located in the Lower Level of McAuley Hall, 501 E 38th St Erie, Pa. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime and fire log typically includes the incident number, crime classification or nature of the fire, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the University's campus community.

Additionally, in accordance with the Pennsylvania Uniform Crime Reporting Act, the personal identifying information (name and address) of all non-juveniles arrested (by summons, citation, or custodial arrest) during an incident that gets listed in the Daily Crime and Fire Log will be included in the log's disposition category. The names of crime victims will not be listed on the Daily Crime and Fire Log.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the University's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Public Safety. It is important to note that MUPD has no jurisdiction outside of its identified Clery geography.

EMERGENCY BUILDING EVACUATION DRILLS

Fire/emergency building evacuation drills are conducted each year in residence halls, academic, and administrative facilities. Emergency Building Evacuation Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks, to ensure that all persons subject to the drill

participate. Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed.

Drills shall be held at expected and unexpected times, and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. Participants shall relocate to a safe location outside the building and remain at such location until a recall signal is given or further instruction.

FIRE INVESTIGATIONS/ARSON

Every fire that is not known to be accidental (such as a cooking fire) is investigated by a trained arson investigator. The primary investigator in response to fire incidents is the Director Protective Services. Fires determined through investigation to be willfully or maliciously set are classified as arsons for Clery reporting purposes.

FIRE SAFETY SYSTEMS IN MERCYHURST UNIVERSITY ON-CAMPUS RESIDENTIAL FACILITIES (2018)

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2018							
Facility	Clery Classification	Fire Alarm Monitoring Done on Site by MUPD	Fully Sprinklered	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
611-13 East 38 th St. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3808-10 Briggs Av. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3828-30 Briggs Av. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3908-10 Briggs Av. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3924-26 Briggs Av. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3807-09 Briggs Av. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3827-29 Briggs Av. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3907-09 Briggs Av. Briggs Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3808-10 Lewis Av. Lewis Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3807-09 Lewis Av. Lewis Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3827-29 Lewis Av. Lewis Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3808-10 Lewis Av. Lewis Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3907-09 Lewis Av. Lewis Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
3923-25 Lewis Av. Lewis Apartments	On-Campus	NO	NO	YES	YES	YES	BIANNUAL
3937-43 Lewis Av. Lewis Apartments	On-Campus	NO	NO	YES	YES	YES	BIANNUAL
3947-53 Lewis Av. Lewis Townhouses	On-Campus	NO	NO	YES	YES	YES	BIANNUAL
4009-17 Lewis Av. Lewis Townhouses	On-Campus	NO	NO	YES	YES	YES	BIANNUAL
730-40 East 41 st St. 41 st St Townhouses	On-Campus	NO	NO	YES	YES	YES	BIANNUAL
744-50 East 41 st St. 41 st St Townhouses	On-Campus	NO	NO	YES	YES	YES	BIANNUAL
4008 Wayne St. Wayne Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL

FIRE SAFETY SYSTEMS IN MERCYHURST UNIVERSITY ON-CAMPUS RESIDENTIAL FACILITIES (2018)- Continued

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2018

Facility	Clery Classification	Fire Alarm Monitoring Done on Site by MUPD	Fully Sprinklered	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
745 East 40 th St. Wayne Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
742 East 40 th St. Wayne Apartments	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
501 East 38 th St. Mercy Suites 100-200-300	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
501 East 38 th St Duvall Apts	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
501 East 38 th St Warde Townhouses	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
501 East 38 th St Baldwin Hall	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
501 East 38 th St Warde Hall	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
501 East 38 th St Ryan Hall	On-Campus	YES	YES	YES	YES	YES	BIANNUAL
444 E Grandview Blvd Grandview Hall	On-Campus	YES	YES	YES	YES	YES	BIANNUAL

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-campus Residential Facilities) - 2018 - 2017 - 2016

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus) CALENDAR YEAR 2018						
Statistics and Related Information Regarding Fires in On-Campus Residential Facilities						
Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
611-13 East 38 th St. Briggs Apartments	0	0	N/A	0	0	N/A
3808-10 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3828-30 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3908-10 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3924-26 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3807-09 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3827-29 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3907-09 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3808-10 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3807-09 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3827-29 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3907-09 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3923-25 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3937-43 Lewis Av. Lewis Townhouses	0	0	N/A	0	0	N/A
3947-53 Lewis Av. Lewis Townhouses	0	0	N/A	0	0	N/A
4009-17 Lewis Av. Lewis Townhouses	0	0	N/A	0	0	N/A
730-40 East 41 st St. 41 st St Townhouses	0	0	N/A	0	0	N/A

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2018 - Continued**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
744-50 East 41 st St. 41 st St Townhouses	0	0	N/A	0	0	N/A
4008 Wayne St. Wayne Apartments	0	0	N/A	0	0	N/A
745 East 40 th St. Wayne Apartments	0	0	N/A	0	0	N/A
742 East 40 th St. Wayne Apartments	0	0	N/A	0	0	N/A
501 East 38 th St Mercy Suites 100-200-300	0	0	N/A	0	0	N/A
501 East 38 th St Duvall Apts	0	0	N/A	0	0	N/A
501 East 38 th St Warde Townhouses	0	0	N/A	0	0	N/A
501 East 38 th St Baldwin Hall	0	0	N/A	0	0	N/A
501 East 38 th St Warde Hall	0	0	N/A	0	0	N/A
501 East 38 th St Ryan Hall	0	0	N/A	0	0	N/A
444 E Grandview Blvd Grandview Hall	0	0	N/A	0	0	N/A

*NOTE: Due to a change in the Clery Act definition of "reasonably contiguous" outlined within the *2016 Campus Safety and Security Handbook*, all University owned or controlled buildings and property within one mile of the University's core campus boundary that were previously considered noncampus have been reclassified starting with CY 2016 to on-campus properties. As such, previously considered non-campus residential facilities that are within one mile of the University's core campus boundary are now considered on-campus properties and have been added to the Fire Safety Data and Statistics and Fire Safety Policy Requirements; as outlined by 2008 Higher Education Opportunity Act or HEOA.

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2017**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
611-13 East 38 th St. Briggs Apartments	0	0	N/A	0	0	N/A
3808-10 Briggs Av Briggs Apartments.	0	0	N/A	0	0	N/A
3828-30 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3908-10 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3924-26 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3807-09 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3827-29 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3907-09 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3808-10 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3807-09 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3827-29 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3907-09 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3923-25 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3937-43 Lewis Av. Lewis Townhouses	0	0	N/A	0	0	N/A
3947-53 Lewis Av. Lewis Townhouses	0	0	N/A	0	0	N/A
4009-17 Lewis Av. Lewis Townhouses	0	0	N/A	0	0	N/A
730-40 East 41 st St. 41 st St Townhouses	0	0	N/A	0	0	N/A
744-50 East 41 st St. 41 st St Townhouses	0	0	N/A	0	0	N/A

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2017 - Continued**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
4008 Wayne St. Wayne Apartments	0	0	N/A	0	0	N/A
745 East 40 th St. Wayne Apartments	0	0	N/A	0	0	N/A
742 East 40 th St. Wayne Apartments	0	0	N/A	0	0	N/A
501 East 38 th St Mercy Suites 100-200-300	0	0	N/A	0	0	N/A
501 East 38 th St Duvall Apts	0	0	N/A	0	0	N/A
501 East 38 th St Warde Townhouses	0	0	N/A	0	0	N/A
501 East 38 th St. McAuley Hall	0	0	N/A	0	0	N/A
501 East 38 th St. Baldwin Hall	0	0	N/A	0	0	N/A
501 East 38 th St. Warde Hall	1	1	Unintentional (Cooking) – Microwave Oven Fire	0	0	\$100-\$999
3923-25 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3937-39 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
4007-4009 Briggs Av Briggs Apartments	0	0	N/A	0	0	N/A
3924-26 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3938-40 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
4008-10 Lewis Av Lewis Apartments	0	0	N/A	0	0	N/A
444 E Grandview Blvd Grandview Hall	0	0	N/A	0	0	N/A

*NOTE: Due to a change in the Clery Act definition of “reasonably contiguous” outlined within the *2016 Campus Safety and Security Handbook*, all University owned or controlled buildings and property within one mile of the University’s core campus boundary that were previously considered noncampus have been reclassified starting with CY 2016 to on-campus properties. As such, previously considered non-campus residential facilities that are within one mile of the University’s core campus boundary are now considered on-campus properties and have been added to the Fire Safety Data and Statistics and Fire Safety Policy Requirements; as outlined by 2008 Higher Education Opportunity Act or HEOA.

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2016**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
611-13 East 38 th St. Briggs Apartments	0	0	N/A	0	0	N/A
3808-10 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3828-30 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3908-10 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3924-26 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3807-09 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3827-29 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3907-09 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3808-10 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3807-09 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3827-29 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3907-09 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3923-25 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3937-43 Lewis Av. Lewis Townhouse	0	0	N/A	0	0	N/A
3947-53 Lewis Av. Lewis Townhouse	0	0	N/A	0	0	N/A
4009-17 Lewis Av. Lewis Townhouse	0	0	N/A	0	0	N/A
730-40 East 41 st St. 41 st St Townhouse	0	0	N/A	0	0	N/A
744-50 East 41 st St. 41 st St Townhouse	0	0	N/A	0	0	N/A

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2016 - Continued**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
4008 Wayne St. Wayne Apartments	0	0	N/A	0	0	N/A
745 East 40 th St. Wayne Apartments	0	0	N/A	0	0	N/A
742 East 40 th St. Wayne Apartments	0	0	N/A	0	0	N/A
501 East 38 th St Mercy Suites 100-200-300	0	0	N/A	0	0	N/A
501 East 38 th St Duvall Apts	0	0	N/A	0	0	N/A
501 East 38 th St Warde Townhouses	0	0	N/A	0	0	N/A
501 East 38 th St. McAuley Hall	0	0	N/A	0	0	N/A
501 East 38 th St. Baldwin Hall	0	0	N/A	0	0	N/A
501 East 38 th St. Warde Hall	0	0	N/A	0	0	N/A
3923-25 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
3937-39 Briggs Av. Briggs Apartments	0	0	N/A	0	0	N/A
4007-4009 Briggs Av Briggs Apartments	0	0	N/A	0	0	N/A
3924-26 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
3938-40 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A
4008-210 Lewis Av. Lewis Apartments	0	0	N/A	0	0	N/A

***NOTE:** Due to a change in the Clery Act definition of “reasonably contiguous” outlined within the *2016 Campus Safety and Security Handbook*, all University owned or controlled buildings and property within one mile of the University’s core campus boundary that were previously considered noncampus have been reclassified starting with CY 2016 to on-campus properties. As such, previously considered non-campus residential facilities that are within one mile of the University’s core campus boundary are now considered on-campus properties and have been added to the Fire Safety Data and Statistics and Fire Safety Policy Requirements; as outlined by 2008 Higher Education Opportunity Act or HEOA.

CLERY-DESIGNATED CRIME DEFINITIONS

Mercyhurst University is required to report crime statistics as defined by the Clery Act for the following crimes if the crimes are reported and occur in geographic locations as defined above.

Unfounded Crime Reports – According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority “if the investigation shows that no offense occurred nor was attempted.” These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as “unfounded” cases within UCR reports on the various index crimes.

According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

Murder/Non-Negligent Manslaughter – The killing of one human being by another.

Manslaughter by Negligence – The killing of another person through gross negligence.

The Federal definition (from VAWA) of Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

- Rape: 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 definition includes any gender of victim or perpetrator.
- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- 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 – The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

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

Motor Vehicle Theft – The theft or attempted theft of a 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, or personal property of another.

Domestic Violence, Dating Violence, and Stalking additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language:

The Federal definition (from VAWA) of Domestic Violence: a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 in which the crime of violence occurred

The Federal definition (from VAWA) of Dating Violence: the term "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; and
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
 - 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
- Dating violence does not include acts covered under the definition of domestic violence

The Federal definition (from VAWA) of Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

Hate Crimes – any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

Hate Crime Definitions:

To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

Bias – a preformed negative opinion or attitude toward a group of persons based on their race, religion, disability, sexual orientation, or ethnicity/national origin.

Bias Crime – a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

UNIFORM CRIME REPORTING (UCR)/NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) DEFINITIONS

Under the Pennsylvania Uniform Crime Reporting Act, Mercyhurst University is required to report crime statistics as defined by the Uniform Crime Reporting Program for the following crimes if the crimes are reported and occur on the property owned, controlled, leased, recognized or operated by the University.

The Uniform Crime Reporting (UCR) program divides offenses into two groups, Part I and Part II crimes. Each month the Mercyhurst University police Department (MUDP) submits information on the number of Part I and Part II offenses known to DPS, and those offenses cleared by arrest or exceptional means, to the Pennsylvania State Police.

The Part I Offenses are:

Criminal Homicide –

- A) Murder and Non-negligent manslaughter: the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately and limits the definition to:
 - (1) the killing of a felon by a law enforcement officer in the line of duty; or
 - (2) the killing of a felon, during the commission of a felony, by a private citizen.
- B) Manslaughter by negligence: the killing of another person through gross negligence. Traffic fatalities are excluded.

Rape – 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. Statutory offenses (no force used —vic m under age of consent) are excluded.

Robbery – The taking or attempted taking of anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

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

Burglary (Breaking or Entering) – The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Larceny - Theft (except Motor Vehicle Theft) – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles or automobile accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Motor Vehicle Theft – The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

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

The Part II Offenses are:

Other Assaults (Simple) – Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim. Includes subjecting a person to unlawful physical attack or in fear of bodily harm by word or action.

Forgery and Counterfeiting – The altering, copying, or imitating of something, without authority or right, with the intent to deceive or defraud by passing the copy or thing altered or imitated as that which is original or genuine; or the selling, buying, or possession of an altered, copied, or imitated thing with the intent to deceive or defraud. Attempts are included.

Fraud – The intentional perversion of the truth for the purpose of inducing another person or other entity in reliance upon it to part with something of value or to surrender a legal right. Fraudulent conversion and obtaining of money or property by false pretenses, confidence games and bad checks, except forgeries and counterfeiting, are included.

Embezzlement – The unlawful misappropriation or misapplication by an offender to his/her own use or purpose of money, property, or some other thing of value entrusted to his/her care, custody, or control.

Stolen Property; Buying, Receiving, Possessing – Buying, receiving, possessing, selling, concealing, or transporting any property with the knowledge that it has been unlawfully taken, as by burglary, embezzlement, fraud, larceny, robbery, etc. Attempts are included.

Vandalism – To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

Weapons; Carrying, Possessing, etc. – The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

Prostitution and Commercialized Vice – The unlawful promotion of or participation in sexual activities for profit, including attempts.

Sex offenses (except forcible rape, pros tu on, and commercialized vice) —Statutory rape, offenses against chastity, common decency, morals, and the like. Includes the offense of Fondling. Attempts are included.

Drug Abuse Violations – The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthe c narco cs —manufactured narco cs that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Bensedrine).

Gambling – To unlawfully bet or wager money or something else of value; assist, promote, or operate a game of chance for money or some other stake; possess or transmit wagering information; manufacture, sell, purchase, possess, or transport gambling equipment, devices, or goods; or tamper with the outcome of a sporting event or contest to gain a gambling advantage.

Offenses Against the Family and Children – Unlawful nonviolent acts by a family member (or legal guardian) that threaten the physical, mental, or economic well-being or morals of another family member and that are not classifiable as other offenses, such as Assault or Sex Offenses. Attempts are included.

Driving Under the Influence – Driving or operating a motor vehicle or common carrier while mentally or physically impaired as the result of consuming an alcoholic beverage or using a drug or narcotic.

Liquor Laws – The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

Drunkenness – To drink alcoholic beverages to the extent that one’s mental faculties and physical coordination are substantially impaired. Excludes driving under the influence.

Disorderly Conduct – Any behavior that tends to disturb the public peace or decorum, scandalizes the community, or shocks the public sense of morality.

Vagrancy – The violation of a court order, regulation, ordinance, or law requiring the withdrawal of persons from the streets or other specified areas; prohibiting persons from remaining in an area or place in an idle or aimless manner; or prohibiting persons from going from place to place without visible means of support.

All Other Offenses – All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

This information is provided as a part of Mercyhurst University’s continuing commitment to safety and security on campus in compliance with the Pennsylvania Uniform Crime Reporting Act and the Jeanne Clery Act. Concerns, questions, or complaints related to this document or the applicable statutes should be directed to the Mercyhurst University Chief of Police either by mail at Mercyhurst University, 501 E 38th St. McAuley Hall Lower Level, Erie, PA 16546; email at: dfuhrmann@mercyhurst.edu; or by telephone at (814) 824-2104.

