# Table of Contents

## About HU

- Introduction .................................................................................................................. 4  
- Message from the President .......................................................................................... 5  
- A Brief History of HU .................................................................................................. 6  
- HU Fast Facts and Points of Pride ............................................................................... 7

## Introduction to HU Safety and Security

- Safety and Security at HU ............................................................................................. 8  
- HU Emergency Notification System ........................................................................... 8  
- Campus Safety Services Overview ................................................................................ 9  
- Daily Crime Log ............................................................................................................ 9  
- How to Report an Emergency or Crime ....................................................................... 10

## Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking

- Title IX and VAWA Statement ..................................................................................... 11  
- Confidential Reporting of Sexual Misconduct .............................................................. 12  
- Violence against Women Act (VAWA): Response to Domestic Violence, Dating Violence, Sexual Violence, Sexual Assault, and Stalking ................................................................................................................................. 13  
- Filing a Title IX Complaint, Criminal Complaint, and Anonymous/Confidential Complaint ........................................................................................................................................................................ 13  
- Reporting Obligations .................................................................................................. 14  
- Amnesty for Sexual Misconduct Complainants and Witnesses ................................ 15  
- HU Support for Victims of Sexual Assault, Domestic Violence, Dating Violence and Stalking................................................................................................................................................................................... 15  
- Rights and Options of Victims ...................................................................................... 16  
- On and Off-Campus Services for Victims ................................................................... 17  
- Programs to Prevent Sexual Assault, Domestic Violence, Dating Violence and Stalking .............................................................................................................................................................................. 18  
- Retaliation .................................................................................................................... 18  
- Applicable HU Policies ................................................................................................. 19  
- Campus Security Authorities (CSAs) .......................................................................... 19  
- Information Regarding Registered Sex Offenders ...................................................... 20  
- Primary Prevention and Awareness Programs by HU ............................................... 20  
- HU Campus and Off-Campus Resources ..................................................................... 21
Primary Crime Prevention and Safety Awareness at HU

Security of Campus Facilities ................................................................. 23
Emergency Response Procedures ............................................................ 25
Timely Warning Notices ........................................................................... 26
Evacuation Procedures ............................................................................. 27
Testing of Emergency Responses .............................................................. 29
Fire Safety Features in Affiliated Student Residences .............................. 29
Policies Related to Fire Safety ................................................................. 30
Missing Student Notification ................................................................. 33
Weapons Policy ......................................................................................... 33
HU Security Awareness Programs ......................................................... 34
Drug and Alcohol Use ............................................................................. 35
Drug and Alcohol Counseling and Treatment Programs ......................... 36
Safety Prevention and Risk Reduction Programs .................................... 37
HU Crime Prevention Efforts ................................................................. 38

Annual Security Report Definitions and Statistics

Clery Act Reporting .................................................................................. 40
Clery Geography for Statistical Reporting .............................................. 40
Clery Act Reporting Descriptions ......................................................... 41
Classifying Crime Statistics ..................................................................... 41
Hate Crime Definitions ............................................................................ 42
Definitions of Reportable Crimes and Other Associated Terms ............ 43
Crime Rates and Statistics for 2017 Reporting ....................................... 51

APPENDIX 1: FAQs Regarding Sexual Harassment and Sexual Assault
APPENDIX 2: Options for Individuals Impacted by Sexual Assault, Domestic Violence, Dating Violence, and Stalking
APPENDIX 3: How to be an Active Bystander
APPENDIX 4: Risk Reduction Strategies
APPENDIX 5: HU Sexual Misconduct Policy
APPENDIX 6: HU Sexual Misconduct Complaint Resolution Policy
APPENDIX 7: HU Camps Maps
INTRODUCTION

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

This ASR is available online at http://harrisburgu.edu/lib/pdf/annual-security-report-clery-report.pdf. Prospective students and prospective employees will be directed to the ASR by the Office of Admissions or the Office of Human Resources. Printed copies are available upon request by calling the Office of Human Resources at (717) 901-5112, or through email at studentservices@harrisburgu.edu. HU also provides the annual crime and fire statistics contained in this report to the U.S. Department of Education. Lastly, notification and links to the ASR are sent annually to all enrolled students, faculty, and staff.

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

Lastly, the crime statistics in this report are presented in separate crime statistic charts for the Harrisburg campus and the Philadelphia location, as required by law.
Message from the President

At Harrisburg University, our mission is to provide access to science and technology education and do everything possible to support student success. To achieve HU’s mission, safety and security of our campus communities are a top priority.

This Annual Security Report (ASR) is published in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. It includes information so that you can be fully informed about HU’s procedures and policies, crime statistics, and emergency management protocols. It also contains valuable information about crime reporting, crime prevention, victim’s rights, and other important services.

We must look out for one another, be alert for potentially unsafe situations, report suspicious behavior or activity, and be engaged and informed about safety-related services, emergency preparedness, and crime prevention. Working together, HU will continue to be a safe place to live, work, and learn.

Eric D. Darr, PhD
President & CEO
A Brief History of HU

HU was incorporated in the Commonwealth of Pennsylvania on December 12, 2001, making it the first independent science and technology-focused, nonprofit, university to be established in Pennsylvania in more than 100 years. As of 2018, HU has expanded to include a Philadelphia location.

HU was created to address the Capital Region’s need for increased educational opportunities in science, technology, engineering and math (STEM) careers, and it represents a major step to attract, educate, and retain Pennsylvania’s diverse 21st century knowledge-based workforce.

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

HU is also a member of the National Association of Collegiate eSports (NACE), and offers eSports as its first–and only–varsity sport. The program will begin in the fall of 2018 with teams competing in “League of Legends,” “Overwatch” and “Hearthstone.”
HU Fast Facts and Points of Pride

• HU is the only nonprofit science and technology-focused comprehensive, university between the cities of Philadelphia and Pittsburgh.

• 52% of HU’s undergraduate students are women; this compares to a national average of 18% in science and technology programs.

• 28% of HU’s graduate students are women, this compares to a national average of 14% in science and technology grad programs.

• 45% of HU’s undergraduate students are African-American; it has more African-American women pursuing science and technology programs than some universities ten times HU’s size.

• In a recent report “Private Colleges Where Students Win the Most Scholarship Money,” HU ranked #1 in the nation.

• HU has not raised tuition during the past five years.

• HU does not charge student fees.
Safety and Security at HU

HU strives to offer a safe and secure environment. The Associate Vice President of Human Resources and Administration has primary responsibility for security on campus and is the designated Chief Security Officer. Campus security can be enhanced by employees, students, and visitors by following all security protocols and by using common sense safety practices, such as locking cars, walking in groups, reporting suspicious incidents, and protecting personal property by not leaving it unattended.

HU does not have a commissioned police force. However, armed police officers from the Harrisburg and Philadelphia Police Departments are authorized to respond at each of HU’s campuses within their respective jurisdictions. If anyone becomes aware of a crime, observes a suspicious person, or is a victim of a crime, they are advised to immediately report all emergencies to the local police department at any time. Local law enforcement officers will work with individuals in responding to and reporting crimes, including obtaining information and evidence, identifying potential witnesses, and conducting thorough investigations to identify responsible parties. When appropriate, crime suspects may be adjudicated through HU’s student conduct system and/or the criminal justice system.

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

HU Emergency Notification System

HU students and employees are strongly encouraged to subscribe to the e2Campus system, HU’s Emergency Notification Service (ENS), which is used to communicate with subscribers through voice, text, and email messages in the event of an emergency. Each subscriber can designate up to three contact numbers and specify text, email, and/or voice messages. The ENS is designed for use with portable devices and is a layered approach to notifying the HU community of emergencies. You can subscribe to the HU ENS through MyHU.
Campus Safety Services Overview

**Harrisburg Campus**

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

The Harrisburg Police Department is authorized to maintain security of the campus and can be contacted at 911 for an emergency and 717-780-6590 for non-emergencies.

After hours and on weekends, Harristown Property Services patrols 326 Market and the residence halls, Rom and MVP, for safety. Individuals can contact HPS at 717-238-2796.

**Philadelphia Location**

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

**Daily Crime Log**

A daily crime log of reported incidents is maintained by Campus Security. It is located at the Security Desk on the first floor of 326 Market Street. This log is available during normal hours of operation, Monday-Friday from 8:00 a.m. - 5:00 p.m.

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

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

Crimes and emergencies can be reported through the following channels:

HARRISBURG CAMPUS:

- Monday-Friday, from the hours of 7:00 a.m. - 10:00 p.m., crimes, suspicious activity, or safety issues should be reported to HU security at 717-901-5180. From any HU telephone, individuals must dial 9 to access an outside line. Nonemergency security matters can also be reported by email to: security@harrisburgu.edu.

- After 10:00 p.m. and on weekends, issues should be reported to Harristown Property Security Services at 717-238-2726.

- Harrisburg City Police can be reached 24/7 by dialing 911 to report emergencies, or 717-780-6590 for non-emergency matters. PA Capitol Police may also be reached at 717-787-3199.

PHILADELPHIA LOCATION:

- Facility security can be reached 24/7 at 215-545-2420.
- The City of Philadelphia Police can be reached 24/7 at 911 or 215-686-3090.
Title IX and VAWA Statement

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

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

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

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

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

Student victims of sexual misconduct can confidentially report to the HU Counseling Center at 717-901-5100 ext. 0253 or through http://harrisburgu.edu/counseling-services.

Employee victims of sexual misconduct can confidentially report incidents to EAP-Mutual of Omaha’s Employee Assistance Program: 800-316-2796.

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

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

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

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

**Philadelphia Sexual Assault Response Center (PSARC)** 215-800-1589
Emergencies: 215-425-1625 (on-call sexual assault nurse examiner)
300 E. Hunting Park Avenue
Philadelphia, PA 19124
Violence Against Women Act (VAWA): Response to Domestic Violence, Dating Violence, Sexual Assault and Stalking

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

Victims are not required to file complaints but are encouraged to do so. Regardless if they choose to report, or not report, sexual misconduct, reasonable available accommodations or protective measures are provided to victims upon request. Individuals may speak with a confidential resource by contacting HU’s Counseling Center at 717-901-5100 ext. 0253 or email counseling@harrisburgu.edu or file a formal complaint with Melissa Morgan, Director of Student Services, by calling 717-901-5102 or emailing titleixreport@harrisburgu.edu.

Filing a Title IX Complaint

In addition to, or instead of, filing criminal complaints, students who feel they have been a victim of sexual misconduct have the right to file a complaint with HU at any time, even if local police conclude there is insufficient evidence for a criminal charge. A complaint of this nature against a student, employee, or other person connected to HU may be filed with Melissa Morgan, Director of Student Services, by calling 717-901-5102 or emailing titleixreport@harrisburgu.edu.

Filing a Criminal Complaint

Victims of sexual assault may file criminal complaints by contacting the Harrisburg Police Department at 717-255-3131 or in person at 123 Walnut Street, Room 217, Harrisburg, PA 17101, or the Philadelphia Police Department at (215) 686-3090 or in person at 401 N. 21st Street, Philadelphia, PA 19130.
Filing an Anonymous/Confidential Complaint

Victims, third-parties, or bystanders may also file anonymous/confidential complaints where disclosure of the sexual misconduct does not trigger official investigations and the victims can still receive medical treatment, advocacy services, legal assistance, and counseling. Conversations with a confidential resource are privileged communications and are not disclosed to others, including law enforcement or HU officials. Individuals may speak with a confidential resource by contacting the HU’s Counseling Center at 717-901-5100 ext. 0253 or email at counseling@harrisburgu.edu.

Questions regarding Title IX Policy, process and/or complaint procedures may be referred to Melissa Morgan, Director of Student Services at 717-901-5102 or by email at titleixreport@Harrisburgu.edu.

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

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

Reporting Obligations

All HU employees, including student employees and non-employees with teaching or supervisory authority, are obligated to promptly report sexual misconduct of which they become aware in the scope of their work for HU to the Title IX Coordinator or Deputy Title IX Coordinators, unless they are a confidential resource. HU encourages all individuals to report sexual misconduct.
Amnesty for Sexual Misconduct Complainants and Witnesses

HU encourages the reporting of sexual misconduct and seeks to remove any barriers that may deter or prevent reporting. HU recognizes that a victim who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for their own conduct. To encourage reporting, an individual who makes a good faith report of sexual misconduct that was directed at them or another person will not be subject to disciplinary action by HU for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless HU determines that the violation was serious enough to constitute disciplinary action and/or placed the health or safety of others at risk.

HU may, however, initiate an educational discussion or pursue other educational interventions regarding alcohol or drugs with the individual. These interventions do not include involuntary suspension or dismissals for students from HU. Amnesty does not preclude or prevent action by police or other legal authorities. This Amnesty provision shall also apply to student groups making a report of sexual misconduct.

HU Support for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

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

Sexual Assault

- Depending on when reported (immediate vs. delayed report), HU provides victims with access to medical care.
- HU assesses the immediate safety needs of victims.
- HU assists victims with contacting local police if requested and provides victims with contact information for local law enforcement.
- HU provides victims with referrals to on- and off-campus mental health providers.
- HU assesses the need to implement interim or long-term protective measures, if appropriate.
• HU provides victims with a written explanation of the victim’s rights and options.
• HU provides a “No Trespass” directive to the accused party, if deemed appropriate.
• HU provides written instructions to victims on how to apply for a protective order.
• HU provides victims copies of its Sexual Misconduct Policy and informs them of timeframes for inquiry, investigation, and resolution.
• HU informs victims of the outcome of the investigation, whether the accused will be administratively charged, and the outcome of any hearing.
• HU enforces the anti-retaliation policy and takes immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination, or for assisting in the investigation.

**Dating Violence, Domestic Violence, and Stalking**

• HU assesses immediate safety needs of victims.
• HU assists victims with contacting local police at the victim’s request if complainant requests and provides victims with contact information for local police department.
• HU provides victims with written instructions on how to apply for a protective order.
• HU provides written information to victims on how to preserve evidence.
• HU assesses the need to implement interim or long-term protective measures to protect victims, if appropriate.
• HU provides victims with a written explanation of the victim’s rights and options.
• HU provides a “No Trespass” directive to the accused party, if deemed appropriate.

**Rights and Options of Victims**

Regardless of whether victims elect to pursue criminal complaints or whether the offense is alleged to have occurred on or off campus, HU assists victims of sexual assault, domestic violence, dating violence, and stalking, and provides each victim with a written explanation of their rights and options. Such written information includes:

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

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

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

**On and Off-Campus Services for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, HU provides written notification to victims about existing assistance 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.
Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

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

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

Retaliation

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

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

Examples of retaliation include, but are not limited to, terminating an individual’s employment, reducing a grade, removing an individual from an organization, direct or indirect intimidation, threats or coercion, harassment, or other forms of discrimination.
The HU community is strongly encouraged to report any alleged incident of retaliation under this policy to the Title IX Coordinator, who shall investigate the matter and take appropriate actions to address such conduct. Individuals who are found to have engaged in retaliation are subject to disciplinary action that may include, but is not limited to, the sanctions listed in HU’s policies. Students who engage in retaliation may face discipline, up to and including, exclusion, expulsion, or dismissal from HU. Employees who engage in retaliation may face discipline up to and including termination of employment. Sanctions for retaliation may be applied regardless of whether there is a finding on the underlying complaint that sexual misconduct occurred and/or if the underlying complaint was made in bad faith.

**Applicable HU Policies**

HU’s policies on Sexual Misconduct and its complaint process/resolution are contained in Appendix 5 of this report.

**Campus Security Authorities (CSA)**

A crime is reported when a victim, witness, other third party (or even the offender) brings it to the attention of a CSA or local law enforcement. If a CSA receives crime information, the CSA must report it to Campus Security. The report should include the date, location, and details of the crime. Personally, identifying information, such as names and contact information, are included with the victim’s consent.

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

A CSA can be an individual, or an organization that is associated with HU, and has significant responsibility for student and campus activities. Individuals at HU who meet the criteria for being CSAs include, but are not limited to:

- A member of student services that oversees student housing, or student extra-curricular activities
- A faculty advisor to an individual or group
- A student resident assistant (RA) or a student who monitors access to residence halls
- A Title IX Coordinator
- Members of a sexual violence response team (SVRT)
- HU Campus Security

Pastoral counselors and professional counselors are not CSAs under the Clery Act. Although HU does not employ pastoral counselors, it does employ professional counselors. HU’s professional counselors are trained to provide reporting contacts and information to victims, and to explain reporting rights to students. Professional counselors may also assist students in reporting crimes if appropriate permissions are granted. Individuals may speak with HU’s Counseling Center at 717-901-5100 ext. 0253 or email at counseling@harrisburgu.edu.

Information Regarding Registered Sex Offenders

Information regarding registered sex offenders is available at [www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us). Information about sexually violent predators is also accessible at this website.

Primary Prevention and Awareness Programs by HU

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

ADA Assistance: 717-901-5100 ext. 1661
HU Counselling Center: 717-901-5100 ext. 0253 or counseling@harrisburgu.edu
Human Resources: 717-901-5112
Residential Life: 717-901-4100
Student Conduct: 717-901-5149
Student Affairs: 717 901-5100 ext. 4100
HU Unscheduled Closing Hotline: 717-901-5199

OFF-CAMPUS EMERGENCY NUMBERS (HARRISBURG)

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

<table>
<thead>
<tr>
<th>Service</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campus Security</td>
<td>215-545-2420</td>
</tr>
<tr>
<td>Philadelphia Police</td>
<td>911 or 215-686-3090</td>
</tr>
<tr>
<td>Non-emergency: 311</td>
<td></td>
</tr>
<tr>
<td>Phil. Suicide &amp; Crisis Center</td>
<td>215-686-4420</td>
</tr>
<tr>
<td>Nat’l Suicide Hotline</td>
<td>900-273-8255</td>
</tr>
<tr>
<td>Phil. Legal Assistance</td>
<td>215-981-3800</td>
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<tr>
<td>Phil. Domestic Violence Hotline</td>
<td>866-723-3014</td>
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<tr>
<td>Office of Behavioral Health Emergency 24-hour hotline:</td>
<td>215-685-6440</td>
</tr>
<tr>
<td>Trevor Project</td>
<td>866-488-7386</td>
</tr>
<tr>
<td>National Poison Control</td>
<td>800-222-1222</td>
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<tr>
<td>Crisis Text Hotline</td>
<td>Text “start” to 741-741</td>
</tr>
<tr>
<td>E. Blackwell Health Center</td>
<td>215-351-5560</td>
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<tr>
<td>Warmline (Phil.)</td>
<td>855-507-9376</td>
</tr>
<tr>
<td>Trans Lifeline</td>
<td>877-565-8860</td>
</tr>
<tr>
<td>Woman Organized Against Rape Hotline:</td>
<td>800-656-4673</td>
</tr>
<tr>
<td>Women Against Abuse</td>
<td>866-488-7386</td>
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Security of Campus Facilities

HU’s Harrisburg Campus

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

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

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

Access to student residences, which are available for HU students through a private company, is restricted to residents, approved guests, and approved members of the HU community. Residents enter the building by swipe card and using a residence hall key to enter rooms. Resident Advisors maintain security measures and work with residents to achieve a residential community respectful of individual and group rights and responsibilities.

Access to HU’s Blackberry and 225 Market locations is restricted to approved HU personnel and accessed by an HU-issued swipe card.
HU maintains exterior lighting to keep the Harrisburg Campus well lit. Maintenance personnel also inspect the Harrisburg Campus to discover and correct health, safety, and maintenance problems.

Maintenance problems, including issues associated with locks and doors in need of repair should be reported to the Facility Manager, Marilyn Mullen, at 717-901-5189 or by email at mmullen@reventpmi.com, the Security Desk on the first floor, or by calling 717-901-5180.

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

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

If a situation arises that poses an immediate threat to the health and safety of students or employees, HU will issue a Safety Bulletin or a Timely Warning to expedite emergency response and/or evacuation procedures. The goal of HU Safety Bulletins and Timely Warnings is to notify as many people as possible, as rapidly as possible, through a variety of channels with adequate follow-up information as needed. Information will be distributed through the HU ENS (E2Campus), Twitter, Facebook, recorded message (by phone or email), broadcast alerts to all logged-on computer terminals, and/or public-address systems in campus buildings.

To receive text messages (when that method of delivery is appropriate), students and employees need to register with the E2Campus alert system through MyHU and provide their mobile phone number.

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

All or some of these methods of communication will be used to provide follow-up information to the HU community. Updates and follow-up information are also be posted on www.harrisburgu.edu.
All HU email addresses are automatically enrolled in HU’s emergency notification system for email alerts only.

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

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

**Timely Warning Notices**

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

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

Incidents involving sexual assault are often reported long after they occurred, thus making it impossible to distribute a “timely” warning notice to the community. Sex offenses are evaluated on a case-by-case basis depending on when and where the reported incidents occurred, when they are reported, and the amount of information that is known by HU at the time of the assessment. To ensure confidentiality, notifications never include the names or identifying information of victims.
Cases involving property crimes are assessed on a case-by-case basis. When there is a discernable pattern of a crime, HU issues timely warnings to aid in the prevention of similar occurrences. To ensure confidentiality, notifications never include the names or identifying information of victims.

**Evacuation Procedures**

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

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

- Leave immediately when the alarm sounds. Close all doors upon exiting, proceed to the fire exit, and leave the building.
- Use the stairs. Never use the elevators. Elevators stop when there is a power failure, causing the occupants to become trapped. Smoke may enter the elevator shaft and asphyxiate the elevator occupants trying to evacuate the building.
- When there is smoke, stay low and take short breaths through the nose until reaching a place of refuge.
- Feel doors and if cool, open them cautiously and proceed to a place of refuge. Be prepared to reclose doors when corridors are full of smoke or if there is heat pressure against a door. If corridors are clear, evacuate the building by using the stairs and exit the closest exterior door to safety.
- Do not open doors that are hot and if possible, seal off any cracks with clothing. Individuals should call 911 and provide their specific location, including room number and floor.
- Keep moving for at least 200 feet from the exited building. No one should re-enter a building unless given permission by the Fire Department or Campus Security.

**People with Functional and Access Needs:** If the floor must be evacuated, occupants should plan to locate in an Area of Refuge, usually a fire tower in a stairwell. They should call 911 to identify their location, floor, and whether special equipment to descend the stairs is necessary. Plan to have a responsible person assisting in the event of a fire.
If an occupant becomes trapped and cannot reach a fire exit, they should keep the door closed, cover any cracks, and immediately call 911 to provide a location, floor, and room number, if possible.

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

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

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

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

During a lockdown, the following is advised:

**IF YOU ARE INSIDE A BUILDING:**

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

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

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

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

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

Philadelphia does not have any student housing facilities.
In addition to the foregoing safety features, fire drills are conducted each semester to ensure that students are aware of procedures to follow in the event of an actual fire.

**Policies Related to Fire Safety**

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

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

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

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

**Safety Checks**
During vacation periods and occasionally throughout the semester, safety checks are conducted in the residence suites to ensure that they have been left in safe condition. Notice is posted at least 24 hours in advance. When policy violations are in plain view, they are documented and disciplinary action is taken. All residence suites receive a health and safety check once each semester to ensure cleanliness and continued optimal operation and condition of the facility. Residents receive at least 24 hour notice before the safety checks.
Fire Emergency
When the fire alarm sounds, every resident is required to leave the building at once using the nearest stairway exit.

OCCUPANTS ARE ADVISED TO FOLLOW THESE SAFETY MEASURES:

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

- If the door feels hot:
  - Do not open the door.
  - If possible, call 911 and report the situation and location. Stay off the phone after calling 911 so fire officials may reach you.
  - Wedge wet towels or clothing under the door sill to keep smoke out.
  - Keep a soaked towel over your head.
  - Open a window and hang out a bed sheet to call attention to your location. Close window on sheet if necessary to keep smoke from entering in through the window.
  - Stay low until help arrives.

Reporting a Fire

- In the event of a fire, occupants should immediately activate a building fire alarm, which alerts building staff and all residents of impending danger.
- Call 911 to report the fire and notify staff of the location of the fire.
- Evacuate, if possible, and stay clear of the building.
Smoke Detectors
Smoke detectors are in every resident suite. When engaged, smoke detectors activate the general building alarms. Testing or tampering with smoke detectors is a housing violation. Smoke detector problems should be reported immediately.

Tampering with Fire Safety Equipment
Tampering with fire safety equipment, including smoke alarms and sprinkler heads, or purposely activating a false alarm violates state and local laws and is considered cause for a resident's removal. Individuals who tamper with or discharge a fire extinguisher without cause will face disciplinary action. Sanctions include possible removal from student housing and clean-up charges.

Reporting a Fire After the Fact for Statistical Purposes
Federal law requires HU to annually disclose statistical data on all fires that occur in on-campus student housing facilities. On-campus fires that were extinguished should still be reported to Campus Security at 717-901-5180.
Missing Student Notification

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

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

The HU Philadelphia site does not have student housing facilities.

Weapons Policy

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

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

Safety Awareness Programs are offered year-round and include:

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

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

New Hire/Employee Orientation:
New employees are informed about HU’s policies, reporting procedures, the Clery Act and whether they are considered CSA’s. New employees are provided with information regarding CSA duties and the resources to respond to sexual assault, domestic or dating violence, and stalking. The Office of Human Resources explores new strategies for disseminating Clery and other relevant employment information to faculty and staff.
Drug and Alcohol Use

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

General Rules Governing the Use of Alcohol

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

HU prohibits:

- The possession and/or consumption of alcoholic beverages by persons under the age of 21 on property owned or controlled by HU or as part of any HU activity.
- The intentional and knowing sale or furnishing of alcoholic beverages to persons under the age of 21 or to persons obviously inebriated on property owned or controlled by HU or as part of any HU activity. Pennsylvania law currently defines "furnish" as "to supply, give, or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged."
- The consumption of alcoholic beverages by any HU student or employee that adversely affects academic or job performance and/or endangers the physical well-being of other persons and/or oneself, and/or which leads to damage of property.
- The possession, sale, distribution, promotion, or consumption of an alcoholic beverage in a manner that constitutes a violation of federal, state, or local law, including the sale, directly or indirectly, of any alcoholic beverages at a premise, or by an entity not licensed for such sales on property owned or controlled by HU or as part of any HU activity.
Drugs/Controlled Substances
The illegal use, possession, sale, or distribution of any controlled substance is a violation of both federal and state laws, as well as HU policy. Such laws are enforced, and violators are subject to HU disciplinary action, criminal prosecution, fine, and imprisonment.

Descriptions of applicable legal sanctions for the unlawful possession and distribution of illicit drugs (and alcohol and related health risks) are listed in the Student Handbook and Employee Handbook located in MyHU.

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

- **Harrisburg**
  - Narcotics Anonymous 717-233-3733 or [www.na.org](http://www.na.org)
  - Alcoholics Anonymous 717-234-5390 or [www.aa.org](http://www.aa.org)
  - Helpline 717-652-4400 or [www.contacthelpline.org](http://www.contacthelpline.org)
  - Dauphin County Department of Drug & Alcohol Services 717-635-2254 or [www.dauphincounty.org](http://www.dauphincounty.org)

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

- **Both Locations**
  - National Institute on Drug Abuse Hotline or (800) 662-Help
  - Alcoholics Anonymous (Philadelphia) (215) 023-7900 or [www.aa.org](http://www.aa.org)
  - Al-Anon Family Groups General Line (800) 339-9006
Safety Prevention and Risk Reduction Programs

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

- **Self Defense.** Each semester, Student Services partners with Taekwondo experts to teach basic self-defense and awareness tactics.
- **Alcohol Awareness.** Residential Life staff educate students about the psychological effects of alcohol abuse and precautions to maintain student personal safety.
- **Sexual Assault Awareness.** Mandatory training and resources are provided through Haven from Everfi Programs for first-year students and new employees. Programs include “Understanding Sexual Assault” and “For Faculty and Staff.”
- **Safe Sex Awareness.** Residential Life presents “Wrap It Up” training on safe sex and consent.
HU Crime Prevention Efforts

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

- **Maintaining video imaging systems.** HU has 91 cameras and various video imaging systems installed at the Harrisburg campus which are streamed to NVRs (Network Video Recorder) as well as streamed to a centralized monitoring station on the first floor of 326 Market Street for real-time review by Campus Security.

- **Maintaining Code Blue Emergency Phones.** Emergency phones are strategically placed in the stairwells at the Harrisburg Campus and the associated parking garage. The phones ring automatically to Harrisburg Police Dispatch or 9-1-1.

- **Maintaining Key Card Access.** Elevators and stairwells at 326 Market and front entries of student housing facilities and the Philadelphia campus are accessed with key card approval.
2018 ASR DEFINITIONS AND STATISTICS
Clery Act Reporting

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

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

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

Clery Geography for Statistical Reporting

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

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

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

Clery Act Reporting Descriptions

Hate crimes are crimes that manifest evidence that a victim was intentionally selected because of actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability. Reportable crimes that are reported as hate crimes are listed in the crime statistics starting on page 52.

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

Classifying Crime Statistics

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

The number of victims involved in an incident is indicated for the following crime classifications: murder/non-negligent manslaughter, manslaughter by
negligence, sex offenses (rape, fondling, incest, statutory rape) and aggravated assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics.

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

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

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

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

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

**Hate Crime Definitions**

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

HU is required to report statistics for bias-related (hate) crimes by the type of bias as defined below for the following classifications: murder/non-negligent
manslaughter, sex offenses (forcible and nonforcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

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

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

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

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

**Definitions of Reportable Crimes and Other Associated Terms**

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

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

**Sexual Assault:** Any nonconsensual sexual act proscribed by federal or Illinois law, including when the victim lacks capacity to consent. An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s UCR program (42 U.S.C. § 13925(a)(29)).
**Sex Offenses:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

**Domestic Violence:**

- A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred (42 U.S.C. § 13925 (a)(8)); or,
- Under Pennsylvania’s Protection from Abuse (PFA) statute, abuse is defined as one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood: (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon; (2) Placing another in reasonable fear of imminent serious bodily injury; (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to the crime of false imprisonment); (4) Physically or sexually abusing minor children, including such terms as defined in
Chapter 63 of the Child Protective Services Act; (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. 23 Pa.C.S. § 6102

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

Dating Violence:

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

Stalking:

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for the person’s safety or the safety of others, or (B) suffer substantial emotional distress. For the purposes of this definition: (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person’s property, (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim, (iii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling, (iv) Any incident meeting
this definition is considered a crime for the purposes of Clery Act reporting (42 U.S.C. § 13925 (a)(30)) or,

- Under Pennsylvania law, stalking occurs if a person: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person. 18 Pa.C.S. § 2709.1.
- Stalking may be accomplished by physical act or electronic means, such as computer or cell phone.

**Robbery:** The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force, violence and/or causing the victim fear.

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

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

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

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.
**Liquor Law Violations**: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the preceding offenses. (Drunkenness and driving under the influence are not included in this definition.)

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

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

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

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

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

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

**Ongoing prevention and awareness campaigns**: Programming, initiatives and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence,
sexual assault and stalking, using a range of strategies with audiences throughout the institution.

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

**Risk reduction**: Options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

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

Conducted in a manner that:

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

**Advisor**: Any individual who provides the accuser or accused support, guidance or advice.
Programs to prevent dating violence, domestic violence, sexual assault and stalking: Comprehensive, intentional and integrated programming, initiatives, strategies and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

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

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

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

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

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

Consent: A clear, unambiguous, informed, voluntary and freely given agreement between all participants to knowingly engage in sexual activity. Consent must be mutually understandable by words or actions (i.e., a reasonable person would consider the words or actions to indicate mutual agreement to engage in the
sexual activity). Consent is active and cannot be based on the absence of an affirmative statement or act of denial.

Silence or lack of resistance does not constitute consent. Seeking and receiving consent is the responsibility of the person(s) initiating the sexual act or acts regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent to any sexual act or prior consensual sexual activity between or with any party does not in and of itself constitute consent to any other sexual act. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated (including, but not limited to, a person or someone with a physical or mental disability and/or level of intoxication that causes impairment resulting in incapacitation), asleep or unconscious, or under age. Consent cannot be given when it is the result of coercion, intimidation, force or threat of harm. HU prohibits any sexual activity that does not involve the consent of each individual. Consent must be given to engage in the act of sexual activity, and consent should also be given to any person who records or photographs any aspect of the sexual encounter as well as third parties who wish to view the sexual activity either in person or via any electronic equipment, methods or devices. Any of these acts will be deemed to be sexual exploitation. Sexual exploitation includes, but is not limited to, the following acts:

- Sexual voyeurism or allowing others to witness or observe the sexual or intimate activity of another person without that person’s full knowledge and consent.
- Indecent or lewd exposure or inducing another person to expose themselves when consent is not present.
- Recording any person engaged in sexual or intimate activity in a private space without that person’s full knowledge and consent, even if the person recording the sexual or intimate activity is also engaged in the consented to sexual activity.
- Distributing sexual or intimate information, images or recordings about another person without that person’s full knowledge and consent.
- Recruiting, harboring, transporting, providing or obtaining another person for sexual exploitation.
• Inducing incapacitation of another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct occurs. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

**Crime Rates and Statistics for 2017 Reporting**

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* [20 U.S. §1092(f)] is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The following pages provide crime rates and statistics for each of HU’s campuses for the 2017, 2016, 2015 calendar years as required by federal law.

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

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

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

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

In addition, the Pennsylvania Uniform Crime Reporting Act mandates the release of crime statistics and rates to matriculated students and employees, and, upon request, the new employees and applicants for admission.¹

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

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

³ City of Harrisburg Police reported a sexual offense in the 300 block of Market Street. However, there was no prosecution and police notes did not indicate the nature of the sexual offense. In the interest of transparency, HU is reporting it as a rape, but it is possible that it was a less egregious reportable event.
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Although a written request for ASR data was submitted to the City of Philadelphia Police Department for 2017 statistics, no response was received. Therefore, the numbers reflect the information that is only in HU’s possession at the time this report is filed.
### Hate Crimes by Category

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* Offense reported by Hussian College
Fire Statistics

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

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<th>Date of Fire</th>
<th>Cause</th>
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<th>Injuries</th>
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### 2017

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APPENDIX 1
FAQs Regarding Sexual Misconduct and Sexual Assault

HU supports students and employees who have been hurt by sexual assault, domestic violence, dating violence, or stalking. HU believes its students, employees, and visitors have the right to live, learn, and work in a safe and welcoming environment. Violence is unacceptable and HU’s policies prohibit sexual assault, domestic violence, dating violence, and stalking. This document outlines steps victims should take to utilize available support services.

Where to Start?
Students and employees may want information or to speak with someone confidentially to make informed decisions. Students and employees are provided crisis counseling, information, and support through the following resources:

- **Confidential On-Campus Resource:**
  HU Counseling Center
  717-901-5100, ext. 0253
  counseling@harrisburgu.edu

- **Confidential Off-Campus Resources:**
  - **Harrisburg:**
    YWCA Sexual Assault and Domestic Violence Hotline: 800-654-1211
    1101 Market Street, Harrisburg PA 17103
  - **Philadelphia:**
    Women Organized Against Rape Hotline (215) 985-3333
    One Penn Center, 215-985-3315
    1617 John F Kennedy Blvd., Suite 1100
    Philadelphia, PA 19103
    [https://www.woar.org/](https://www.woar.org/)
  - **Both Locations**
    RAINN (Rape, Abuse & Incest National Network): 800-656-HOPE
    [http://www.rainn.org](http://www.rainn.org)

Pennsylvania Coalition Against Rape (PCAR): [www.pcar.org](http://www.pcar.org)
Crisis Text Hotline: Text “start” to 741-741
If in Danger:
Call 911 regardless of location.

If Medical Attention is Necessary:
Individuals can receive medical attention at any medical facility. However, certain facilities have specially trained staff to help survivors of sexual assault. The following facilities can complete forensic sexual assault exams, and can contact the YWCA of Greater Harrisburg to arrange for a sexual assault hospital advocate:

- **Harrisburg:** Pinnacle Health Services: 717-782-5256, 111 South Front Street, Harrisburg PA 17101
- **Philadelphia:** Thomas Jefferson University Hospital, 132 South 10th Street Philadelphia PA 19107

Will My Report Be Confidential?
Some individuals, such as mental health counselors, can talk to victims in confidence without triggering a report or an investigation. Specifically, victims can contact any of the on-campus or off-campus confidential resources listed in this ASR to report an incident of sexual harassment and/or sexual violence in confidence.

When faculty and staff learn about or suspect sexual harassment and/or sexual violence involving students or employees, they have an obligation to report it.

Even if victims do not seek out a confidential resource or ask for privacy, HU only discloses information to individuals who are responsible for handling responses to sexual harassment and/or sexual violence and have a justified need to know. Victims have the right to talk with HU officials about protecting their safety and privacy.

HU does not publish the names of crime victims or other identifiable information regarding victims in its annual crime statistics report that is filed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if Campus Safety Alerts or Timely Warning Notices are issued based on reports of domestic violence, dating violence, sexual assault or stalking, victims’ names and other personally identifiable information are withheld.
What Evidence Should I Preserve?
It is important to preserve evidence that may be useful in obtaining a protection order or in proceeding with a criminal investigation. Completing forensic exams does not require victims to file a police report or report to HU, although HU encourages these reports if victims are comfortable doing so. Medical exams can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy. If possible, victims should not bathe, douche, smoke, use the toilet or clean the location where the incident occurred. Victims should save in a paper bag items they were wearing and other materials that were present during the incident such as sheets or towels.

Documents, logs, text messages, records of phone calls, voice messages, instance messages, posting on social networking pages, emails, pictures, notes, unwanted gifts, and other communications may be pertinent for a report of sexual assault, dating violence, domestic violence, or stalking. These materials, or copies if originals are not available, should be saved as evidence.

However, the immediate and long-term safety of victims is the most important priority. Victims may find the resources and options outlined below helpful in making decisions.

How Do I File a Report?
Victims may choose to report incidents to law enforcement and/or through the HU campus disciplinary process. They may report to both or may choose neither of these options. HU will protect the identity of victims in publicly available documents, such as within HU’s annual security report, in campus warnings, and timely notices sent to the campus community. Regardless if they chose to file a report or not, victims may contact the below HU representatives to request accommodations. HU will keep these accommodations confidential if confidentiality does not limit HU’s ability to provide a requested accommodation. If sharing information is necessary to provide an accommodation, HU representatives will notify victims in advance of any disclosure what information is necessary to share, why it is necessary to share the information, and with whom the information needs to be shared.

Regardless of whether a victim makes a report to law enforcement, they can report to the incident to HU by contacting:

- **Director of Student Services:**
  Melissa Morgan
  717-901-5149
  mmorgan@harrisburgu.edu

- **Associate VP of Human Resources (for Faculty and Staff)**
Can I Report the Matter to Law Enforcement?
In emergency situations, students, employees, and visitors should dial 911 from any location. In non-emergency situations, they may contact the Harrisburg Police Department directly by calling 717-255-2040 or 3-1-1. HU representatives can also assist victims with filing a report to the police department, if requested.

Many survivors find law enforcement to be a great resource, however some victims choose not to file a police report. HU always encourages but understands that only the victims can determine if doing so is the right decision for them. Regardless of whether they file a police report, there are campus options available, including resolution through the HU processes.

Can I Get a Court Order of Protection?
Victims can also access orders of protection within Pennsylvania’s Courts of Common Pleas (county courts), as well as within HU. Depending on the nature of an incident, HU may be able to issue a no contact order to prevent contact between two individuals. Students may request a no contact order by contacting the Director of Student Services.

In Pennsylvania, when an abuser is a present or past member of the victim’s household or family, the victim is eligible to receive a Protection from Abuse (PFA) order from the local county court (also known as the Court of Common Pleas). 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). The Protection of Victims of Sexual Violence or Intimidation (PSVI) Act provides victims of sexual violence or intimidation a civil remedy that requires the offender to stay away from the victim regardless of whether the victim seeks criminal prosecution. **Victims of sexual violence and intimidation are eligible for relief who do not have a family or household member relationship with the defendant.**

Can Charges be Filed under HU’s Code of Conduct?
Regardless of whether victims choose to file a report with local law enforcement or campus security, there are specific options available to them, if requested and reasonably available. These options are outlined below in accordance with the

Victims of sexual violence have the following rights:

- The right to request assistance from HU to provide notifications;
- The right to obtain an order of protection, a no contact order, a restraining order, or similar lawful orders issued by a criminal or civil court, and the right to enforce an order already in existence;
- The right to request that a prompt, fair and impartial disciplinary proceeding be initiated against the accused;
- The right to be notified of the outcome of any disciplinary actions against the accused;
- The right to be notified of any options to change your academic or campus living situation;
- The right to have others present during disciplinary proceedings or other related meetings, including the opportunity to be accompanied to any related meetings or proceedings by an advisor of their choice (*also afforded to the accused); and
- The right of written notification concerning:
  - The result of any institutional disciplinary proceeding from the victim’s report of dating violence, domestic violence, sexual assault, or stalking.
  - Procedures to appeal the results.
  - Any change to the results.
  - When the result become final.

The Office for Civil Rights (OCR) oversees the enforcement of Title IX. Contact information for the Office for Civil Rights is: US Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202 800-421-3481.
APPENDIX 2

Options for Individuals Impacted by Sexual Assault, Domestic Violence, Dating Violence, and Stalking

- Get to a Safe Place

- Talk to Someone You Trust
HU’s Counseling Center provides confidential, no-cost support and advocacy to all students regardless of their sex, sexual orientation, gender identity or gender expression. This includes assistance navigating resources and legal options.

- Preserve Physical Evidence
Physical evidence may be necessary to prosecute an offender and be helpful in obtaining an order of protection. If possible, victims should not bathe, wash their hands, use the restroom, drink, smoke, change clothing or brush their teeth following an assault.

- Seek Medical Attention
Harrisburg Hospital can provide medical services and evidence collection. FOR SEVERE INJURIES CALL 911 IMMEDIATELY.

After incidents of sexual assault, dating violence or domestic violence, victims should consider seeking medical attention as soon as possible at Harrisburg Hospital. Sexual assault kits are given to victims and processed by trained medical staff. It is important that victims of sexual assaults not bathe, douche, smoke, change clothing or clean the bed/linen/areas for 96 hours following an incident for the preservation of evidence that may assist in proving that an 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 HU adjudicators/investigators or local police. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings or obtaining protection from abuse orders related to the incident more difficult.
If any victims choose not to file a complaint regarding an incident, they should still consider speaking with local law enforcement to preserve evidence should they decide to report the incident later. This may assist in proving that the alleged criminal offense occurred and/or may be helpful in obtaining a protection order.

- **Report the Incident**

Victims are encouraged to report incidents of sexual assault to the Harrisburg Police Department or other law enforcement. This is not a requirement. Victims have additional reporting options that can be discussed with HU’s Counseling Center. Retaliation against anyone who reports sexual misconduct is strictly prohibited. Reports of retaliatory behavior will be addressed immediately. This Policy also recognizes the ultimate decisions of victims who choose not to pursue any formal method of reporting sexual misconduct and/or to seek confidential counseling, or assistance in lieu of these formal methods.
APPENDIX 3

How to be an Active Bystander

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

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystanders 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.” HU promotes a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of some ways to be an active bystander. If an individual is in immediate danger, bystanders or victim should call 911. Immediate danger may include verbal or physical abuse and other situations where intervention may not be safe for bystanders.

Employees, students, and visitors are encouraged to:

- Watch out for their friends and fellow students/employees and ask individuals who appear to be in trouble or need help if they are okay.
- Confront people who seclude, hit on, try to make out with, or have sex with individuals who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another individual.
- Believe someone who discloses sexual assault, abusive behavior or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling or with legal assistance.
APPENDIX 4

Risk Reduction Strategies

Risk reduction is a management technique that provides options designed to decrease perpetration and bystander inaction, increase empowerment for victims to promote safety, and to help individuals and communities address conditions that facilitate violence. With no intent of victim blame, and recognizing that only abusers are responsible for their abuse, the following are some strategies HU advises individuals to utilize to reduce their 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.
- **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 them 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 individuals need to get out of an uncomfortable or scary situation here are some things that can be tried:

  o **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 who is to blame.
  
  o **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.
  
  o **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.
  
  o **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.
APPENDIX 5
HU Sexual Misconduct Policy
RESponsible University Officials: Dr. Eric Darr, President; Dr. Bilita Mattes, Provost; Duane Maun, VP of Finance
Responsible Offices: Office of Compliance, Office of Human Resources, Office of Student Services
Date: August 2017

POLICY ON SEXUAL MISCONDUCT

Policy Statement
Harrisburg University prohibits all forms of sexual misconduct, including but not limited to, sexual assault, stalking, dating or domestic violence, and sexual harassment. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff and other community members. In furtherance of this policy, Harrisburg University has adopted the following standards of conduct for all members of our community – students, faculty, and staff, as well as University vendors, contractors, visitors, guests, and third parties – with respect to sexual misconduct. These standards apply equally to all regardless of the sex, gender, sexual orientation, gender identity, or gender expression of any of the individuals involved.

Reason for Policy/Purpose
Harrisburg University is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sexual misconduct of any form. Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – will be grounded upon mutual respect, open communication, and clear consent. When learning of conduct or behavior that may not meet these standards, community members are expected take an active role in upholding this policy and promoting the inherent dignity of all individuals.
## Table of Contents

Policy Statement .............................................................................................................. 1  
Reason for Policy/Purpose .............................................................................................. 1  
Who Approved This Policy ............................................................................................ 3  
Who Needs to Know This Policy .................................................................................... 3  
Jurisdictional Statement ................................................................................................. 3  
Website Address for This Policy .................................................................................... 3  
Contacts ......................................................................................................................... 3  

**Policy** .......................................................................................................................... 4  

I.  Consent .......................................................................................................................... 4  
II. Prohibited Conduct ....................................................................................................... 5  
III. Reporting Obligation ................................................................................................... 8  
IV. Retaliation ................................................................................................................... 8  
V. Amnesty for Sexual Misconduct Complainants and Witnesses ............................... 9  
VI. Title IX and VAWA Statement .................................................................................. 9  

**Procedures** .................................................................................................................. 10  

1. Seeking Medical Assistance ....................................................................................... 10  
2. Preserving Evidence .................................................................................................... 11  
3. Confidential Support, Advocacy & Counseling ......................................................... 12  
4. Reporting Sexual Misconduct .................................................................................... 14  
5. Protective Measures ................................................................................................... 15  
6. Investigation and Resolution of Alleged Violations of the Sexual Misconduct Policy .. 16  
7. Educational Training, Awareness and Prevention Programs ..................................... 19  

**Appendices** .................................................................................................................. 20  

APPENDIX A: Resource of Relevant Terms and Definitions in Pennsylvania ............... 21  
APPENDIX B: Pamphlet: “You Have Options. We Can Help: Harrisburg University Resource Guide on Sexual Misconduct and Title IX” .......................................................................... 23  
APPENDIX C: Sexual Misconduct Complaint Resolution Process .................................. 26  
APPENDIX D: Resources Not Subject to Reporting Obligation ..................................... 27
Who Approved This Policy
Office of the President, Provost, Office of Compliance, and VP of Finance

Who Needs to Know This Policy
All Harrisburg University community members, including students, faculty and staff, as well as University vendors, contractors, visitors, guests, volunteers, interns, and third parties.

Jurisdictional Statement
Harrisburg University may investigate any alleged violations of this policy that occur in the context of a University program or activity or that otherwise affect the University’s working or learning environments, regardless of whether that conduct occurred on or off campus. In situations where the alleged sexual misconduct occurred outside of the context of a University program or activity or off-campus and the respondent is not a member of the University community, the University will typically not conduct an investigation but may address the situation and provide appropriate resources to those individuals impacted and, where appropriate, the broader University community.

Website Address for This Policy

Contacts
If you have any questions about this policy, you may contact: Office of Institutional Compliance, Harrisburg University, Room 1429, 326 Market Street, Harrisburg, PA 17101. (717) 901-5123.
Policy

The terms and definitions used here are important components of University policy. The definitions are intended to give meaning to these terms in the context of the Harrisburg University community. Criminal and other applicable state laws may use different definitions. Appendix A provides Pennsylvania criminal law terms and definitions.

I. Consent

Consent represents the cornerstone of respectful and healthy intimate relationships. Harrisburg University strongly encourages its community members to communicate – openly, honestly, and clearly – about their actions, wishes, and intentions when it comes to sexual behavior, and to do so before engaging in intimate conduct. It is always the requirement of the individual initiating sexual contact (or undertaking a new type of sexual activity) to ensure that consent is present before acting and is present during sexual activity.

When determining whether consent was present, the University will consider whether a sober, reasonable person in the same position should have known whether the other party could or could not consent to the sexual activity.

A. For purposes of this policy, consent is present when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate contact.

Consent must be all of the following:

- **Knowing**: Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.

- **Active**: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

- **Voluntary**: Consent must be freely given and cannot be the result of respondent’s force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (severe or persistent pressure causing fear of significant consequences from respondent if one does not engage in sexual activity) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).

- **Present and ongoing**: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be
withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

B. Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age. In Pennsylvania, children less than 13 years of age cannot grant consent to sexual activity, people aged 16 and older can legally consent to sexual activity with anyone they choose, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual assault statute, physical condition, or disability that impairs the individual’s ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

Signs of incapacitation include when an individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance);
- Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction);
- Inability to effectively communicate for any reason (for example, slurring speech, difficulty finding words).

A person may appear to be giving consent but may not have the capacity to do so, in which case the apparent consent is not effective. When determining whether consent was present, the University will consider whether a sober, reasonable person in the same position should have known whether the other party could or could not consent to the sexual activity. If there is any doubt as to another person’s capacity to give consent, community members should assume that the other person does not have the capacity to give consent. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

II. Prohibited Conduct

Harrisburg University prohibits all forms of sexual misconduct. Such conduct violates the community values and principles of our institution and disrupts the living, learning, and working environment for students, faculty, staff and other community members. Therefore, the University prohibits the actions listed below. An attempt to commit an act identified in this policy, as well as assisting or willfully encouraging any such act, is also considered a violation of this policy. An act may violate one or more parts of this policy. Community members may also be held responsible for the misconduct of their visitors and guests.

A. Sexual Assault

- Sexual Penetration without Consent (e.g., rape): Any penetration of the sex organs or anus of another person when consent is not present; any penetration of the mouth of another person with a sex organ when consent is not present; or performing oral sex on
another person when consent is not present. This includes penetration or intrusion, however slight, of the sex organs or anus of another person by an object or any part of the body.

- **Sexual Contact without Consent (e.g., fondling):** Knowingly touching or fondling a person’s genitals, breasts, thighs, groin, or buttocks, or knowingly touching a person with one's own genitals, breasts, or buttocks, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state\(^1\) in which the incident occurred.

- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent under the laws of the state\(^2\) in which the incident occurred.

**B. Sexual Exploitation:** Taking sexual advantage of another person for the benefit of oneself or a third party when consent is not present.

This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s consent;
- Indecent or lewd exposure or inducing others to expose themselves when consent is not present\(^3\);
- Recording any person engaged in sexual or intimate activity in a private space without that person’s consent;
- Distributing sexual information, images, or recordings about another person without that person’s consent;
- Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
- Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

**C. Stalking:** A course of conduct directed at a specific person that is unwelcome and that would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer substantial emotional distress.

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\(^1\) For incidents that occur outside of the U.S. (e.g., study abroad programs), Pennsylvania law will apply in determining a violation of this policy.

\(^2\) For incidents that occur outside of the U.S. (e.g., study abroad programs), Pennsylvania law will apply in determining a violation of this policy.

\(^3\) Breast-feeding a child is not indecent.
Conduct that can amount to stalking may include two or more actions directed at another person, whether done directly, indirectly, through others, via devices, or via any other methods or means (specifically including electronic means), including but not limited to:

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

D. **Dating/Domestic Violence:** Intimidation, harassment, physical abuse, sexual abuse, or interference with personal liberty of any person by someone in an intimate relationship, as described below. These actions may include, but are not limited to:

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

Individuals encompassed in the definition of **Dating Violence** include, but are not limited to:

- Persons who have or have had a dating relationship;
- Persons who have or have had a social relationship of a romantic or intimate nature.

Individuals encompassed in **Domestic Violence** include, but are not limited to:

- Current and former spouses;
- Current and former domestic partners;
- Intimate partners or dating partners who share or formerly shared a common dwelling;
- Persons who otherwise have a child in common or share a relationship through a child.

E. **Sexual Harassment:** Sexual harassment is any unwelcome conduct of a sexual nature where: sexual favors are used or threatened to be used as a basis for academic or employment decisions (*quid pro quo* harassment); where the conduct creates a hostile, intimidating or offensive academic or working environment; where the conduct has the effect of unreasonably interfering with an individual’s work performance; or where other verbal, nonverbal, or physical conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from an educational program or activity.

Some examples of sexual harassment may include:

- Pressure for a dating, romantic, or intimate relationship;
- Unwelcome sexual advances;
- Unwelcome touching, kissing, hugging, or massaging;
• Pressure for or forced sexual activity;
• Unnecessary references to parts of the body;
• Remarks about a person's gender, nonconformity with gender stereotypes, or sexual orientation;
• Sexual innuendoes or humor;
• Obscene gestures;
• Sexual graffiti, pictures, or posters;
• Sexually explicit profanity;
• Stalking or cyberbullying that is based on gender or sex;
• E-mail, texting ("sexting") and Internet use that violates this policy;
• Sexual assault or violence.

All forms of sexual misconduct identified in this policy are also prohibited forms of sexual harassment.

III. Reporting Obligation

All University employees (including student employees), as well as non-employees with teaching or supervisory authority, are obligated to promptly report sexual misconduct of which they become aware in the scope of their work for the University to the Title IX Coordinator or Deputy Title IX Coordinators, unless they are a resource listed in Appendix D. The University encourages all individuals to report sexual misconduct.

IV. Retaliation

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

Retaliation is materially adverse action taken against an individual because they engaged in protected activities, when the adverse action is sufficiently severe or pervasive that it could deter a reasonable person from engaging in the protected activities. Members of the community are prohibited from engaging in actions directly or through others that reasonably could deter a party or a witness from reporting sexual misconduct or participating in an investigation or hearing. Examples of retaliation could include, but are not limited to: terminating someone’s employment; reducing a grade; removing someone from an organization; direct or indirect intimidation, threats, or coercion; or harassment or other forms of discrimination.

The Harrisburg community is strongly encouraged to report any alleged incident of retaliation under this policy to the Title IX Coordinator, who shall investigate the matter and take appropriate actions to address such conduct. Individuals who are found to have engaged in retaliation are subject to disciplinary action that may include, but is not limited to, the sanctions listed in Procedures Section 6B, up to and including exclusion, expulsion, or dismissal from the University, and termination of employment, including revocation of tenure. Sanctions for retaliation may be applied regardless of whether there is a finding on the underlying complaint that sexual misconduct has occurred.
V.  **Amnesty for Sexual Misconduct Complainants and Witnesses**

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

VI.  **Title IX and VAWA Statement**

It is the policy of Harrisburg University to comply with Title IX of the Education Amendments of 1972, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. It is also Harrisburg’s policy to comply with the federal Violence Against Women Act amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, and the accompanying regulations (collectively referred to as VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled. Harrisburg has designated the Title IX Coordinator to coordinate Harrisburg's compliance with Title IX and VAWA and to respond to reports of violations. The University has directed its Clery Coordinator to coordinate Harrisburg’s compliance with the Clery reporting-related VAWA requirements. A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or calling 1-800-421-3481.
Procedures

Information covered in this section includes:

1. Seeking Medical Assistance
2. Preserving Evidence
3. Confidential Support, Advocacy & Counseling Services
4. Reporting Sexual Misconduct
5. Protective Measures
6. Investigation & Resolution of Alleged Sexual Misconduct Violations
7. Educational Training, Awareness & Prevention Programs

1. Seeking Medical Assistance

Experiencing any form of sexual misconduct, especially acts of violence, is difficult and overwhelming. Survivors often experience a range of emotions, including fear, anxiety, and confusion, and may be unsure of what they want to, or should do, next. Regardless of whether the individual chooses to report the incident, the University strongly encourages survivors of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible, and, where appropriate, also address concerns regarding sexually transmitted infections and pregnancy, and provide emergency contraception (if requested). In addition, a hospital can test for the presence of alcohol or drugs (e.g., “date rape” drugs) and perform a rape evidence collection procedure (see Procedures Section 2), which are also strongly recommended to maintain all legal options.

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


Medical services are available from the following resources near the Philadelphia campus:

Thomas Jefferson University Hospital, Center City Philadelphia

Sexual Assault Forensic Examiner (SAFE) Program
2. Preserving Evidence

Many sexual misconduct offenses also are crimes in the state or locality in which the incident occurred. For that reason, survivors of sexual misconduct often have legal options that they can pursue. These options are available solely at the discretion of survivors, who may change their minds about pursuing them at any time. For example, a survivor may seek a protective order from a court against the perpetrator(s); pursue a civil action against the perpetrator(s); and/or participate in a law enforcement investigation and criminal prosecution of the perpetrator(s). Regardless of whether an incident of sexual misconduct is reported to the police or the University, Harrisburg strongly encourages individuals who have experienced sexual misconduct to preserve evidence to the greatest extent possible, as this will best maintain all legal options for them in the future.

Additionally, such evidence may be helpful in pursuing a complaint with the University. While the University does not conduct forensic tests for parties involved in a complaint of sexual misconduct, the results of such tests that have been conducted by law enforcement agencies and medical assistance providers may be submitted as evidence that may be considered in a University investigation or proceeding, provided they are available at the time of the investigation or proceeding.

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

*General evidence preservation suggestions:*

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

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

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

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

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

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

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

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

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

3. **Confidential Support, Advocacy & Counseling**

The following resources are available for individuals to discuss incidents and issues related to sexual misconduct on a confidential basis. Confidential resources will not disclose information about incidents of sexual misconduct to anyone, including law enforcement or the University, except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or where state law requires a report be made. Confidential resources can provide survivors with information about support services and their options. Because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential counselor does not constitute a report or complaint to the University and will not result in a response or intervention by the University. A person consulting with a confidential resource may later decide to make a report to the University or law enforcement.
Campus Confidential Resources

Harrisburg and Philadelphia Campus

Harrisburg University Counseling Center
326 Market Street, Room 253
Harrisburg, PA 17101
717-901-5100, ext. 0253
counseling@harrisburgu.edu

Off-Campus Confidential Resources

Harrisburg Campus

YWCA Sexual Assault and Domestic Violence Hotline: 800-654-1211
YWCA of Greater Harrisburg, 717-234-7931
1101 Market Street, Harrisburg PA 17103
http://www.ywcahbg.org/programs/violence-intervention-and-prevention-services#.WX9Qm4jyvIU

Philadelphia Campus

Women Organized Against Rape Hotline (215) 985-3333
One Penn Center, 215-985-3315
1617 John F Kennedy Blvd., Suite 1100
Philadelphia, PA 19103 https://www.woar.org/
4. Reporting Sexual Misconduct

While the University strongly encourages reporting, members of the University community who believe they have experienced sexual misconduct have the right to choose whether or not to report the incident to the University or law enforcement and pursue a sexual misconduct complaint with the University. The information below provides information for individuals who wish to report incidents of sexual misconduct.

A. Reporting to Law Enforcement

Harrisburg University encourages individuals to report incidents of sexual misconduct to University Police or local law enforcement officials. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence crimes, and may lead to the arrest of an offender or aid in the investigation of other incidents.

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

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

- Seeking medical attention;
- Seeking support, advocacy and counseling services;
- Discussing legal options, including seeking protective orders from a court;
- Options under the University’s sexual misconduct investigation process.

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

Philadelphia Police Department
750 Race Street
Philadelphia, PA 19106
9-1-1 for Emergencies
3-1-1 for non-Emergencies

B. Reporting Incidents to the University

An individual who has experienced sexual misconduct has the right to choose whether to report the incident to the Title IX Coordinator. As stated in Policy Section III, all University employees (including student employees) are obligated to promptly report incidents of sexual misconduct of which they become aware during the scope of their work for the University, unless they are a resource listed in Appendix D. Further, students, bystanders, and third parties who have observed
or been made aware of sexual misconduct may report the incident to the Title IX Coordinator. Harrisburg provides the option for making reports in-person, by email, regular mail, or phone.

While anonymous reports will be reviewed by the Title IX Coordinator, the University’s ability to address alleged misconduct reported by anonymous sources is significantly limited.

To speak to someone confidentially without making a report, please see the Confidential Resources listed in Section 3 above.

The staff identified below are specially trained to work with individuals who report sexual misconduct and have knowledge about on- and off-campus resources, services, and options – including the availability of protective measures discussed in Procedures Section 5. The University has generally designated the Associate VP for Human Resources to oversee complaints of sexual misconduct involving staff, faculty, and third parties, and the Director of Student Services for Students to oversee complaints of sexual misconduct involving students.

**Title IX Coordinator**  
**Contact:** Dr. Keith Green, Director of Compliance  
326 Market Street  
Harrisburg PA 17101  
(717) 901-5123  
kgreen@harrisburgu.edu

**Deputy Title IX Coordinator for Staff and Faculty**  
**Contact:** Ben Allatt, Associate VP for Human Resources  
326 Market Street  
Harrisburg, PA 17101  
(717)901-5112

**Deputy Title IX Coordinator for Students**  
**Contact:** Melissa Morgan, Director of Student Services  
326 Market Street  
Harrisburg PA 17101  
(717) 901-5149

Individuals may also file a report electronically by email to: TitleIXReport@HarrisburgU.edu.

An immediate auto-response email with information about resources and options will be sent in response to reports filed electronically.

**5. Protective Measures**

Protective measures are reasonable measures the University can put in place for an individual who reports having experienced sexual misconduct or retaliation. Protective measures can provide immediate support and help protect the individual’s safety and ability to access their education and employment, at no cost to that individual. These measures can be temporary in duration pending the results of an investigation, but can become permanent. Protective measures include, but are not limited to:
• A no-contact directive issued by the Title IX Coordinator, Deputy Title IX Coordinator, or their designee;
• Housing or work space relocation;
• Adjustment of course schedules or other changes to an individual’s academic situation;
• Changes to work schedules or other changes to an individual’s employment situation;
• Time off from class or work, or a leave of absence;
• Transportation arrangements;
• Safety planning;
• Honoring an order of protection entered by a court.

Protective measures are available regardless of whether an individual chooses to report an incident to local law enforcement or pursue a complaint with the University. The Title IX Coordinator, or their designee will determine whether protective measures are reasonable and should be implemented, and, if so, will work to ensure that protective measures are implemented as soon as possible. The University will keep confidential any protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the protective measures.

To seek a protective measure:

Students should contact:

Deputy Title IX Coordinator for Students:
Contact: Melissa Morgan, Director of Student Services
326 Market Street
Harrisburg, PA 17101
(717)901-5149

Staff and faculty should contact:

Deputy Title IX Coordinator for Faculty and Staff
Contact: Ben Allatt, Associate VP for Human Resources
326 Market Street
Harrisburg, PA 17101
(717)901-5112

Violations of directives related to protective measures may lead to an investigation and disciplinary action which may include, but is not limited to, the sanctions listed in Procedures Section 6B, including exclusion, expulsion, or dismissal from the University, and termination of employment, including revocation of tenure.

6. Investigation and Resolution of Alleged Violations of the Sexual Misconduct Policy

Reporting an incident of sexual misconduct or retaliation to the University can result in the investigation of whether a violation of this policy occurred and can also result in disciplinary action against any student, staff or faculty member, or outside party, who is determined to have violated this policy. The University has generally designated the Title IX Coordinator or Deputy Title IX Coordinators to receive and oversee complaints of sexual misconduct and retaliation. Upon receiving a
The University’s resolution process for reports of violations of this policy will be prompt, fair, and impartial. The resolution process is intended to afford a prompt response to reports of sexual misconduct, to maintain privacy and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy. The resolution process for complaints of sexual misconduct is set forth in detail in Appendix C.

Because allegations of violations of this policy can sometimes raise challenging new issues and involve competing interests, the University reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of this policy, and which preserves fairness for both parties and maintains the integrity in the investigation and resolution processes.

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

If, based on an initial inquiry into the report, the Title IX Coordinator determines that insufficient information exists to move forward or that the alleged misconduct, even if substantiated, would not be a violation of the policy, the Office may close the case unless the Title IX Coordinator determines that the interests of the community warrant further action on the report by the Office or the University.

A. Standard of review

The University uses the preponderance of the evidence standard to determine responsibility of violations of this policy.

B. Sanctions, corrective actions, and remedies

Violations of this policy may result in sanctions and corrective actions, which can include, but are not limited to:

- Verbal warning
- Written warning
- Advisory Letter
- Monitoring
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling or therapy
- Required training or education
- Campus access restrictions
- No trespass order issued by NUPD (with respect to campus locations)
- No contact directive (with respect to an individual)
- Loss of privileges
Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff Handbook, Faculty Handbook, Student Handbook, other policies or handbooks that may be developed over time, or contracts. In addition, the University may take steps to remediate the effects of a violation on victims and others.

Following an investigation, the University may extend protective measures, and/or take other measures to eliminate any hostile environment caused by the sexual misconduct, prevent the recurrence of any sexual misconduct, and remedy the effects of the sexual misconduct on the complainant and the University community. Such measures may include, but are not limited to, the protective measures referenced in Procedures Section 5, as well as counseling, training, and other preventative measures.

C. Advisor/legal counsel

Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process. An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the complainant or respondent. Advisors who do not abide by these guidelines may be excluded from the process.

In any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party’s choosing, including an attorney. However, an advisor may not also serve as a witness in the same matter. Further, the advisor is still limited to the supportive and not participatory role described above. In all other matters, advisors cannot be a witness or party in the matter or a related matter, a family member of the complainant or respondent, or an attorney.

D. Privacy and Sharing of Information

The University considers complaints and investigations conducted under this Policy to be private matters for the parties involved. For that reason, the University will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. The University will only share personally identifiable information with persons with a need-to-know, in order for the University to investigate and respond or to deliver resources or support services. The University does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct in the University Daily Crime Log or elsewhere online. The University does not confirm to outside
parties the identity of an individual who may be involved in a report of sexual misconduct without that individual’s consent. However, the University cannot promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints.

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

All participants in an investigation of sexual misconduct will be informed that confidentiality helps enhance the integrity of the investigation, protect the privacy interests of the parties, and protect the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the complainant and respondent will be asked at the beginning of an investigation to keep the information related to the investigation private, to the extent consistent with applicable law. Witnesses and advisors will be asked to maintain complete confidentiality as to the investigation, to the extent consistent with applicable law.

Upon the conclusion of an investigation, the complainant and respondent will notified in writing, at the same time, of the outcome of the investigation, including whether the alleged conduct was found to have occurred, and any sanctions imposed on the respondent that directly relate to the complainant. For the same reasons noted above, the University encourages the parties to maintain the confidentiality of this communication.

7. Educational Training, Awareness and Prevention Programs

The University offers a variety of training, awareness, and prevention programs to help prevent sexual misconduct within the Harrisburg community. The University strives to ensure that such programming is developed to be culturally relevant; inclusive of diverse communities and identities; sustainable; responsive to community needs; is informed by research or assessed for value, effectiveness, or outcome; and considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels. Additionally, the University provides annual training to investigators, and hearing panel members are trained on issues related to sexual misconduct, investigation, and resolution. For information on educational training, awareness, and prevention programs offered each year, see the Appendices to each campus’ annual security report, posted at: http://harrisburgu.edu/csr/campus-security-report.pdf
Appendices

Appendix A: Resource of Relevant Terms and Definitions in Pennsylvania

Appendix B: Pamphlet: “You Have Options. We Can Help: Harrisburg University Resource Guide on Sexual Misconduct and Title IX”

Appendix C: Sexual Misconduct Complaint Resolution Process

Appendix D: Resources Not Subject to Mandatory Reporting
APPENDIX A

Resource of Relevant Terms and Definitions in Pennsylvania

Because some of the offenses in this Policy are also crimes under State law, the University provides this summary of relevant Pennsylvania terms and definitions as a resource. Community members who are involved in legal action related to a sexual crime or offense under Pennsylvania law should consider speaking with an attorney for specific information about relevant State law and legal advice.

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

Domestic Violence: “Domestic Violence” is not explicitly defined in this state’s code.
Under the Violence Against Women Act (2014), Domestic Violence is defined as:
A felony or misdemeanor crime of violence committed--
(i) By a current or former spouse or intimate partner of the victim;
(ii) By a person with whom the victim shares a child in common;
(iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
(iv) 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
(v) 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.

Dating Violence: “Dating Violence” is not explicitly defined in this state’s code.
Under the Violence Against Women Act (2014), Dating Violence is defined as:
Violence committed by a person who is or has been in a social relationship of a romantic or intimate
nature with the victim.

(1) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(2) For the purpose of this definition--

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

(ii) Dating violence does not include acts covered under the definition of domestic violence.

**Sexual Harassment:** “Sexual Harassment” is not explicitly defined in this state’s code. Under Title IX of the United States Education Amendments, Sexual Harassment is defined as: Unwelcome conduct of a sexual nature. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment of a student can deny or limit, on the basis of sex, the student's ability to participate in or to receive benefits, services, or opportunities in the school's program.

**Sexual Assault:** § 3124.1. Sexual assault.

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

§ 3101. Definitions.

Subject to additional definitions contained in subsequent provisions of this chapter which are applicable to specific provisions of this chapter, the following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Complainant." An alleged victim of a crime under this chapter.

"Deviate sexual intercourse." Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.

"Forcible compulsion." Compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.

"Sexual intercourse." In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.

**Stalking:** § 2709.1. Stalking.

(a) Offense defined.--A person commits the crime of stalking when the person either:

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

(2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.
APPENDIX B

You Have Options: We are Here to Help
Harrisburg University’s Response to Sexual Misconduct and Assault

If you or someone you know has been hurt by sexual assault, domestic violence, dating violence, or stalking, Harrisburg University is here to help. You have the right to live, learn, and/or work in a safe and welcoming environment. Violence is unacceptable, and University policy prohibits sexual assault, domestic violence, dating violence, and stalking. This document outlines steps to take depending on what services you want or need.

Unsure of Where to Start?
You may want more information or to talk to someone confidentially as you decide what you’d like to do moving forward. You can access crisis counseling, information, and support by connecting with the resources listed below.

Are You In Danger?
If yes, call 911.

Do You Need Medical Attention?
You can receive medical attention at any medical facility; however, certain facilities have specially-trained staff to help survivors of sexual assault. The following location can complete a forensic sexual assault exam, and can contact the YWCA of Greater Harrisburg to arrange for a sexual assault hospital advocate:

Pinnacle Health Services: 717-782-5256, 111 South Front Street, Harrisburg PA 17101
It is important to preserve evidence that may be useful in obtaining a protection order or in proceeding with a criminal investigation should you choose to do so. Completing a forensic exam does not require you to file a police report or report to the institution, although we encourage these reports if you are comfortable doing so. Medical exams can also address other physical needs or trauma and assess for sexually transmitted infections or pregnancy. If possible, please do not bathe, douche, smoke, use the toilet or clean the location where the incident occurred. Save items you were wearing, sheets, or towels in a paper bag. Text messages, records of phone calls, emails, pictures, notes, and gifts can all be pertinent for a report of sexual assault, dating violence, domestic violence or stalking. Save text messages, instant messages, social networking pages, and other communications as evidence; and keep pictures, logs, or copies of documents if they could be useful. Your immediate and long-term safety is what’s most important. The resources and options outlined below may be helpful as you decide what next steps are a good fit for you.

Confidential On-Campus Resource
Harrisburg University Counseling Center 717-901-5100, ext 0253

Off-Campus Resources
YWCA Sexual Assault and Domestic Violence Hotline: 800-654-1211
RAINN (Rape, Abuse & Incest National Network) Phone: 1.800.656.HOPE http://www.rainn.org
Pennsylvania Coalition Against Rape (PCAR): www.pcar.org
Crisis Text Hotline: Text “start” to 741-741

Some people, such as mental health counselors, can talk with you in confidence without triggering a report or an investigation. Specifically, you can contact any of the on- or off-campus confidential resources listed in this handout to report an incident of sexual harassment and/or sexual violence in confidence.

Other than mental health counselors, when faculty and staff learn about sexual harassment and/or sexual violence involving students or employees, they have an obligation to report it. Even if you do not seek out a confidential resource or ask for privacy, Harrisburg University will only disclose information to individuals who are responsible for handling the response to sexual harassment and/or sexual violence and have a clear need to know.

You have the right to talk with University officials about protecting your safety and privacy. The University does not publish the names of crime victims or other identifiable information regarding victims 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 or Timely Warning Notice 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.

Making a Report
You may choose to report to law enforcement, you may choose to report through our campus disciplinary process, you may report to both, or may choose to access neither of these options. Harrisburg University will protect your identity in publicly available information, such as within our annual security report or in warnings sent to the campus community. You also can access the accommodations listed below regardless of where you choose to report and we will keep these accommodations confidential as well, as long as it does not limit our ability to provide them to you. If we would need to share information in order to provide an accommodation, we would notify you of what information needs to be shared, why, and with whom prior to sharing the information.

Regardless of whether or not you report to the police, you can report to the University by contacting:

Director of Student Services, Melissa Morgan 717-901-5149, mmorgan@harrisburgu.edu

Associate Director of Student Life, Nayeem Islam 717-901-4100, nislam@harrisburgu.edu

Title IX Coordinator and Director of Compliance, Keith Green 717-901-5123, kgreen@harrisburgu.edu

Associate VP of Human Resources, Ben Allatt 717-901-5112 for Faculty or Staff

Building Security 717-901-5180

Reporting
In an emergency, dial 911. If you want to contact Harrisburg police directly, you can do so by calling 717-255-2040 or 3-1-1. University staff can also assist students in reporting to the police if requested. Please note that what law enforcement agency to report to can vary depending on the specifics of your case, but we can help you figure out where to go and will assist you in reporting to law enforcement.
Many survivors find law enforcement to be a great resource. Others choose not to report to law enforcement. We always encourage reporting, but know that only you can determine if doing so is the right decision for you. Regardless of whether or not you report to the police, there are campus options, including resolution through the University process, available to you.

Orders of Protection
You can also access orders of protection within our state as well as within the institution. Depending on the nature of the incident, Harrisburg University may be able to issue a no contact order to prevent contact between two individuals. To request a no contact order, please contact the Director of Student Services.

In Pennsylvania, when an abuser is a present or past member of the victim’s household or family, the victim is eligible for a Protection From Abuse (PFA) order. 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). The Protection of Victims of Sexual Violence or Intimidation (PSVI) Act provides victims of sexual violence or intimidation a civil remedy that requires the offender to stay away from the victim regardless of whether the victim seeks criminal prosecution. Victims of sexual violence and intimidation are eligible for relief who do not have a family or household member relationship with the defendant.

Campus Disciplinary Process: Rights and Options
Regardless of whether you choose to report to local or campus police or public safety, there are specific options available to you, if requested and reasonably available. These options are outlined below.

In accordance with the Pennsylvania Act 104, Article XX-G, the “Sexual Violence Education at Institutions of Higher Education Act,” enacted November 17, 2010, should you become a victim of sexual violence, you have the following rights:

- You have the right to request assistance from the university to make these notifications.
- You have the right to obtain an order of protection, a no contact order, a restraining order, or similar lawful orders issued by a criminal or civil court, or enforce an order already in existence.
- You have the right to request that a prompt, fair and impartial disciplinary proceeding be initiated against the accused.
- You have the right to be notified of the outcome of any disciplinary actions against the accused.
- You have the right to be notified of any options of changing your academic or campus living situation.
- You have the right to have others present during disciplinary proceeding or other related meetings, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of your choice (*also afforded to the respondent)
- Notification, in writing, of:
   - The result of any institutional disciplinary proceeding from your report of dating violence, domestic violence, sexual assault, or stalking
   - Procedures to appeal the results
   - Any change to the results.
   - When the result become final.

The Office for Civil Rights (OCR) oversees the enforcement of Title IX. Contact information for the Office for Civil Rights is as follows: US Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202 800-421-3481.
APPENDIX C

Harrisburg University’s Sexual Misconduct Complaint Resolution Process can be found at: http://harrisburgu.edu/policy/sexual-misconduct-complaint-resolution-process.pdf
APPENDIX D

Resources Not Subject to Reporting Obligation

The University recognizes that students, staff, and faculty may want to speak confidentially with someone at the University about sexual misconduct without the information disclosed being reported to the Title IX Coordinator. Harrisburg has designated the following staff, faculty, and paid student employee roles as resources that are not obligated to report disclosures or information about sexual misconduct to the Title IX Coordinator that they learn in the scope of their University work.

All full-time staff in HU’s Mental Health Counseling Center
APPENDIX 6

HU’s Sexual Misconduct Complaint Resolution Process
SEXUAL MISCONDUCT COMPLAINT RESOLUTION PROCESS

I. INTRODUCTION AND GENERAL PROCEDURES

Introduction
Harrisburg University is committed to providing a safe and nondiscriminatory environment for all members of its community. The University’s Policy on Sexual Misconduct prohibits sexual assault, sexual exploitation, stalking, dating violence, domestic violence, sexual harassment, and retaliation. The procedures below outline the process the University follows when it receives a report alleging a violation of the Policy on Sexual Misconduct. The Office of Compliance is responsible for handling reports alleging sexual misconduct. All reports will be handled in a prompt, fair, and impartial manner in accordance with Title IX, the Violence Against Women Act, and other relevant laws and regulations, applicable University policies, and these guidelines.

The process described below is Harrisburg’s internal University process to determine whether Harrisburg’s policy has been violated and is not a court system. As such, Harrisburg’s process does not use the same rules of procedure and evidence as those used by courts or law enforcement to investigate or adjudicate criminal or civil legal violations. A victim of sexual violence or other crime has the right to simultaneously file and pursue a criminal complaint with law enforcement and a complaint with the University if he or she chooses, and to be assisted by the University in notifying law enforcement authorities if he or she chooses, or to decline to notify such authorities. Parties may also have options to file civil actions in court.

Because allegations of sexual misconduct can sometimes raise challenging new issues and involve competing interests, the University reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of the applicable policies and these guidelines, while preserving fairness for both parties and maintaining the integrity of the resolution process.

Participant Roles
• A complainant is the person who reports a concern and/or who has been impacted by an alleged policy violation.
• A complainant is the person who has been the victim of a violation of University policy.
• A respondent is the person who is alleged to have violated University policy.
• Parties is a term that refers to the complainant and the respondent collectively.
• A witness is a person who has direct or indirect knowledge related to specific aspects of a case.
• An advisor is a support person who may be present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not also serve as a witness in the same matter.

Participation in Process
The University invites complainants and witnesses to participate fully in the complaint resolution process. In order for the University to investigate a complaint and/or enable a respondent to fully respond to the allegations, most
situations will require the complainant’s participation and that their identity be disclosed to the respondent. If a complainant decides not to participate, but wants disciplinary action to be taken, the University will determine whether it is possible to move forward with a case without the participation of the complainant. In some cases, it will not be possible for disciplinary action to be taken without the participation of the complainant.

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

The University expects respondents to participate fully in all aspects of the complaint resolution process. If a respondent elects not to participate in any part of the process, the University may proceed without the respondent’s participation. Respondents will be held accountable for any outcomes issued, even if they decline to participate.

All participants have the responsibility to be completely truthful with the information they share at all stages of the process. Any individual who knowingly or intentionally provides false information as part of a report or investigation under this Policy will be subject to discipline in accordance with the procedures set forth in the Student Handbook, Faculty Handbook, or Staff Handbook. This provision does not apply to a good faith report that is not substantiated or proven by a preponderance of the evidence.

**Privacy and Sharing of Information**

The University considers complaints and investigations of sexual misconduct to be private matters for the parties involved. For that reason, the University will protect the identity of persons involved in reports of sexual misconduct to the best of its ability. The University will only share personally identifiable information with persons with a need-to-know in order for the University to investigate and respond or to deliver resources or support services. The University does not publish the names nor post identifiable information about persons involved in a report of sexual misconduct in the University’s Daily Crime Log or elsewhere online. The University does not confirm to outside parties the identity of an individual who may be involved in a report of sexual misconduct without that individual’s consent. However, the University cannot promise complete confidentiality or privacy in the handling of sexual misconduct reports or complaints.
All participants in an investigation of sexual misconduct will be informed that confidentiality helps enhance the integrity of the investigation, protect the privacy interests of the parties and protect the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the complainant and respondent will be asked at the beginning of the investigation to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses and advisors will be asked to maintain complete confidentiality, to the extent consistent with applicable law.

The University reserves the right to share information regarding the case with other appropriate parties on a need-to-know basis in accordance with FERPA and other applicable law.

**Retaliation**
Any participant in a sexual misconduct complaint who is aware of possible retaliation or has other concerns regarding the matter should report these concerns to the Title IX Coordinator, who shall take appropriate action to address such conduct in a prompt and equitable manner. Retaliation is explained on page 8 of the *Sexual Misconduct Policy*.

**Case Resolution Timeline**
In most cases, the University investigates and resolves complaints of sexual misconduct, including determining what sanctions and/or corrective actions will be taken, within 60 days of receiving a complaint, though this may vary based on the availability of the parties and witnesses, the scope of the investigation, provision of interim protective measures or accommodations, or unforeseen circumstances. Many cases are resolved in a much shorter time. Extensions of time beyond this 60 day timeframe may occur for good cause. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation.

**Conflicts of Interest**
A list of investigators and appeal reviewers who may make findings in sexual misconduct matters is available through the Office of Compliance. Harrisburg reserves the right to use an appropriately trained investigator or appeal reviewer not on this list as it deems necessary. Parties have the opportunity to raise the issue of a potential conflict of interest or perceived bias within 2 days of their initial meeting with a Title IX staff member. The Title IX Coordinator will determine whether a conflict of interest exists. No investigator or appeal reviewer will make findings or determinations in a case in which they have a conflict of interest. The Title IX Coordinator may hire external investigators in particularly complicated cases if perceived bias cannot be avoided.

**Standard of Evidence**
The University uses the preponderance of the evidence standard in investigations and hearings of complaints alleging sexual misconduct and any related violations. This means that the investigation and hearing determine whether it is more likely than not
that a violation of the policy occurred. A preponderance of the evidence means that over 50% of the information supports a finding that the misconduct occurred.

Advisor/Legal Counsel
Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process. An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or appeal hearing. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer or panel on behalf of the complainant or respondent. Advisors who do not abide by these guidelines may be excluded from the process.

In any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party’s choosing, including an attorney. However, an advisor may not also serve as a witness in the same matter. Further, the advisor is still limited to the supportive and not participatory role described above. In all other matters, advisors cannot be a witness or party in the matter or a related matter, a family member of the complainant or respondent, or an attorney.

II. REPORTING SEXUAL MISCONDUCT

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

Reporting Sexual Misconduct
A report of a violation can be submitted by anyone by any means. Reports can also be submitted by email to TitleIXReport@HarrisburgU.edu, or in person to:

Students should contact:

Deputy Title IX Coordinator for Students:
Contact: Melissa Morgan, Director of Student Services
326 Market Street
Harrisburg, PA 17101
(717)901-5149

Staff and faculty should contact:

Deputy Title IX Coordinator for Faculty and Staff
Contact: Ben Allatt, Associate VP for Human Resources
326 Market Street
Harrisburg, PA 17101
(717)901-5112
While anonymous incident reports will be reviewed by the Title IX Coordinator, the University’s ability to address alleged misconduct reported by anonymous sources is significantly limited.

Upon receipt of a report of a violation, either from someone other than the alleged victim (e.g., a witness or a colleague), or directly by the alleged victim, a Title IX staff member will contact the alleged victim to provide information about resources and options. The information provided by the Title IX staff member will generally include information about medical and confidential counseling and support resources; options for pursuing a complaint and/or reporting the incident to law enforcement; how to request a protective order or no-contact directive; how to request interim protective measures and accommodations; how to preserve evidence; where to access more information; and an invitation to meet with or speak to a Title IX staff member.

III. INITIAL INQUIRY

When the University receives a report of sexual misconduct, Title IX staff will begin an initial inquiry as soon as practicable, generally within one week. This will most frequently begin with an attempt to gain additional information from the complainant or victim, preferably through an in-person meeting. The scope and timing of further action will depend upon a number of factors, including but not limited to, whether the identity of the victim is known; whether the complainant/victim is willing to participate in an investigation and/or hearing; whether the complainant/victim requests anonymity or confidentiality; whether the respondent is affiliated with the University; and whether the University has an obligation to proceed with an investigation based on concerns for the safety of the broader University community, regardless of the complainant’s wishes. Following an Initial Inquiry, possible next steps include:

- **Close the Case:** In order for a case to be referred for a full investigation, there must be sufficient information to believe a policy violation may have occurred and the respondent may be responsible. The Office may dismiss a case when insufficient information exists to move forward or when the alleged misconduct—even if substantiated—would not be a violation of policy. The Office may, in its discretion, reopen a case in the future if additional information becomes available or a complainant who was unwilling to pursue formal resolution changes their mind, (consistent with the time limitations discussed above).

- **Informal Resolution:** Informal resolution involves action taken by the University in response to a situation or report of sexual misconduct when formal resolution is not desired by the complainant or when there is not enough information to proceed with a formal resolution process. Examples of informal resolutions can include, but are not limited to, a warning to cease current behaviors, no-contact directives, an educational conversation with the respondent or others, and changes in academic, work, or living arrangements. Mediation will not be used to resolve complaints involving sexual misconduct. See below for further information.
• Formal Resolution: The Title IX Coordinator, Deputy Title IX Coordinator, or designee may determine that there is reasonable information to suggest a policy violation may have occurred. In these cases, the complaint will proceed to further investigation and formal resolution. See below for further information.

IV. PROTECTIVE MEASURES

The Title IX Coordinator or designee will also determine whether protective measures should be taken while the case is pending. Protective measures may include measures taken prior to the formal resolution to ensure the safety and security of the campus community and/or following the resolution of a case. Protective measures may be applied to the complainant, the respondent or the broader University community and include (but are not limited to):
• A no-contact directive placed between members of the community
• Changes in academic, work, or living arrangements
• Assistance in requesting academic allowances
• A formal request or warning that a community member cease certain behaviors
• Removal of privileges or suspension of activity (including attendance in a specific class)
• Issuance of a timely warning to the University community
• Interim relocation or removal from campus housing
• Interim suspension or administrative leave pending resolution (pursuant to the procedures set forth in the applicable Student, Faculty, and Staff Handbooks).

V. INFORMAL RESOLUTION

Informal resolution can be used in certain sexual misconduct cases as a way to prevent the recurrence and remediate the impact of alleged sexual misconduct. Informal resolution is most commonly used in cases where the identities of the complainant or respondent are not known or when the complainant wishes to remain anonymous or requests that further action not be taken and the University is able to honor this request. Informal resolution may also be used when the Office determines there is not enough information to proceed to a formal resolution but still believes some action is necessary to address the impact on the University community. Informal resolution is not used when formal resolution is desired by a complainant and the respondent’s identity is known. A matter initially resolved through informal resolution may later be referred for formal resolution if additional information becomes available or a complainant who was unwilling to pursue formal resolution changes their mind, (consistent with the time limitations discussed above).

Informal resolution does not result in findings related to responsibility or in sanctions. Options for informal resolution include, but are not limited to:
• A no-contact directive placed between members of the community
• Changes in academic, work, or living arrangements
• An educational meeting with the respondent
• Training for a group or unit
• A formal advisory letter
• Permanent relocation or removal from student housing

VI. FORMAL RESOLUTION

Notification to Respondent
The sexual misconduct complaint resolution process operates under a standard of fairness, which includes an opportunity for the respondent to be notified of the alleged misconduct and the policy violations under consideration and an opportunity to be heard. As such, if a case is referred for formal resolution, the Office will notify the respondent of the alleged misconduct and the respondent will be given an opportunity to respond. The notification will typically include a brief description of the alleged misconduct, a list of any University policies allegedly violated, and a description of the steps toward resolution. The University may modify the list of policies allegedly violated based on additional information revealed during investigation.

Investigation
The University will investigate complaints proceeding through formal resolution. Depending upon the circumstances, one or more investigators will be assigned from a list of trained investigators. In some cases an outside investigator may be retained. All investigators are trained on Title IX and the University’s policies and procedures. Depending on the circumstances and in its discretion, the University may consolidate for investigation multiple complaints involving the same respondent; and/or complaints where the parties have made sexual misconduct allegations against each other.

During an investigation, the complainant will have the opportunity to describe their allegations and present supporting evidence to the investigator. The respondent will have the opportunity to hear the allegations, respond to them, and present supporting evidence to the investigator. Investigation meetings are not electronically recorded by the University, and may not be recorded by any participant. Parties and witnesses may take notes during investigation meetings. Generally, the investigator will meet with each party and each witness separately. In some cases, the investigator may interview the parties and/or witnesses more than once. The parties may submit additional materials or information to the investigator following their interview(s). In all cases, both the complainant and respondent will have equal opportunities to share information and have their information considered.

The complainant and the respondent will both have the opportunity to present names of witnesses they suggest the investigator solicit information from and questions they request that the investigator ask the other party. Complainants and respondents may only present factual witnesses and may not present character or expert witnesses. The investigator will take the lists provided by the complainant and respondent into consideration when identifying whom they will interview and what questions they ask, but these decisions remain in the investigator’s discretion. The investigator may also choose to interview other witnesses not identified by the parties.

Following investigation, the matter will be resolved using either Administrative Resolution, as discussed below.
Administrative Resolution

Administrative resolution is used in all sexual misconduct cases involving faculty, staff, or third party respondents, and in cases involving student respondents.

Administrative resolution involves a determination made by the Title IX Coordinator of whether the Policy on Sexual Misconduct has been violated.

The complainant and the respondent will both be notified simultaneously in writing of the findings of the administrative resolution. In the event a violation is found, the investigator will also provide their findings to the appropriate University office.

- For student respondents, in the event a policy violation is found, the Title IX Coordinator will determine what sanctions or corrective actions should be imposed on the respondent in accordance with the Sanctions set forth in Section VII.
- For staff respondents, in the event a policy violation is found, the Title IX Coordinator will provide findings to the Office of Human Resources and, when appropriate, the respondent’s manager(s), who are responsible for deciding what sanctions or corrective actions should be imposed on the respondent, in accordance with the procedures set forth in Staff Handbook.
- For faculty respondents, in the event a policy violation is found, the Title IX Coordinator will provide findings to the Provost and the Office of Human Resources. Any sanctions or corrective actions imposed will be determined in accordance with the procedures set forth in the Faculty Handbook.
- For third party respondents, findings of a violation will be provided to the appropriate University office for further action consistent with the findings.

Notification of findings and sanctions may be provided to the complainant and the respondent in separate correspondence from the investigator and the office imposing the sanction. Notification to the complainant will include findings related to violations of policy, remedies offered or provided to the complainant, sanctions imposed on the respondent that directly relate to the complainant, and any other steps the University has taken to prevent the recurrence and eliminate a hostile environment, if such was found to exist. In a case related to alleged sexual assault, stalking, or dating or domestic violence, the notification of outcome will also include the rationale for the findings related to violations of policy and all sanctions imposed on the respondent, not just those directly related to the complainant. The respondent generally will not be notified of the individual remedies offered or provided to the complainant. Complainants and respondents are informed of appeal procedures for the sanctions and any changes to the outcome that occur prior to the time that such outcome becomes final. The University encourages the parties to maintain confidentiality of all communication related to findings and sanctions.

VII. SANCTIONS

When a violation of the Policy on Sexual Misconduct is found, sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. In addition, the University may take steps to address the
effects of the conduct on victims and others, including, but not limited to, counseling and support resources, academic and housing assistance, change in work situations, leaves of absence, and training or other preventative measures. Sanctions and remedial actions aim to eliminate any hostile environment, prevent sexual misconduct from recurring, and remedy any discriminatory effects on a complainant or others. Sanctions and corrective actions can include, but are not limited to:

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

VIII. APPEALS

A. Appeals after Administrative Resolution

The complainant or respondent may appeal the sanctions in an administrative resolution or the determination of the sanctions. An appeal will be handled in a manner consistent with any applicable terms or procedures in the Faculty Handbook, Staff Handbook, or applicable contract. Otherwise, the terms and procedures outlined in these guidelines will control.

The appeal must be made within five (5) calendar days of the date of the written notification of the findings or, if sanctions are imposed, the determination of sanctions. An appeal must be in writing and specify the basis for the appeal. The original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence. The only grounds for appeal are as follows:

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

In the event sanctions were imposed, it shall be in the discretion of the Title IX Coordinator and the sanctioning office whether the sanctions shall be implemented or stayed pending resolution of an appeal.

Appeals will be handled by the following reviewers, who may delegate the review of an appeal to a designee, and will delegate review in any case in which they cannot serve as an impartial reviewer.

Students should contact:

Deputy Title IX Coordinator for Students:
Contact: Melissa Morgan, Director of Student Services
326 Market Street
Harrisburg, PA 17101
(717)901-5149

An appeal of a complaint against a faculty member should be addressed to:

Deputy Title IX Coordinator for Faculty and Staff
Contact: Ben Allatt, Associate VP for Human Resources
326 Market Street
Harrisburg, PA 17101
(717)901-5112

An appeal of a complaint against a staff member or third-party should be addressed to:

Deputy Title IX Coordinator for Faculty and Staff
Contact: Ben Allatt, Associate VP for Human Resources
326 Market Street
Harrisburg, PA 17101
(717)901-5112

The decision on an appeal will be issued as expeditiously as possible, usually within 21 days, though this may vary based on the scope of the appeal or unforeseen circumstances. The reviewer may review the full case, beyond the aspects of the case outlined in the request for appeal. If the reviewer does not find that any of the three grounds for appeal are present in the case, the outcome will be upheld. If the reviewer finds that any of the grounds for appeal are present in the case, they may amend the outcome, may issue a new outcome, or may refer the matter back to the investigator for further consideration. A final outcome on an appeal is not subject to further appeal.
APPENDIX 7
HU Campus Maps
Safety Tips

• Always keep your doors and windows locked. Never leave personal property unattended.

• If possible, let a friend or roommate know where and with whom you’ll be and when you’ll return.

• Trust your instincts! If you feel uncomfortable about someone near you on the street, in an elevator or getting off a bus, head for a populated place or yell for help.

• Use well-lit and busy sidewalks.

• Avoid walking alone or walking near vacant lots, alleys, construction sites and wooded areas.

• Carry a cell phone, whistle or a personal alarm to alert people that you need help.

• Attend an educational course and learn what can be done to avoid vulnerability to crimes like sexual assault, relationship violence and stalking.

• Try to park in an area that will be well-lit and heavily traveled when you return.

• Lock your car doors and roll up the windows completely, even if you’re only running a quick errand. Do not leave valuables in plain view.

• If you choose to drink, drink legally and responsibly. Remember that your ability to respond is diminished by over-consumption of alcohol.

• Always stay alert and call the police immediately to report suspicious activity.

• Follow all rules of the road when driving a car, riding a bike or using other forms of personal transportation such as rollerblades, skateboards or scooters.

• Put ICE (In Case of Emergency) in your cell phone, along with a name and telephone number of a loved one, to enable emergency services personnel to contact your family in the event of an emergency.

• Listening to loud music, wearing headphones or using your cell phone distracts you from being alert to potential safety issues. Unplug yourself and tune in to your immediate environment.

• Sign up for HU Safety Bulletins at https://harrisburgu.edu/e2campus-login/.