

2023

Annual Security and Fire Safety Report



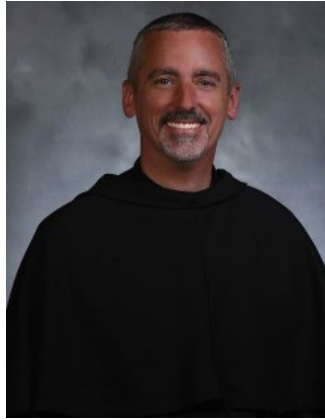
University Police Department  
Saint Francis University

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### **Letter from the President**

Saint Francis University's 600-acre campus sits atop a gorgeous mountaintop in Loretto, PA. (near Pittsburgh). We're one of the oldest Catholic universities in the country, and the oldest dedicated to Franciscan values. Our University is an inclusive learning community that welcomes all people. We are each unique, yet we share a common bond: a desire to be a better person tomorrow than we are today. Our University is ranked among the very best according to U.S. News and World Report. We provide more than 50 academic programs of study that fuel your mind and feed your soul. Saint Francis of Assisi, through his Catholic Franciscan mission, left us and abundance of clues for living a meaningful life. Through his Faith and Franciscanism, he pointed the way in arts, business, healthcare, and the environment. We are home to one of the smallest NCAA Division-I programs in the nation and recognized for academic excellence and sportsmanship! Go Red Flash!

The safety and security of every member of our SFU community is most important. The success of our faculty, staff and students relies on the continuous safety efforts by all. The University Police Department is staffed by a highly-trained police force that leads our campus safety effort. SFU's innovative approach to campus safety includes the immersion of sworn officers in the living and learning spaces of our campus as mentors and problem-solvers. We also work closely with local law enforcement agencies to jointly police neighbors' adjacent to our campus where many upper class students live. On and off campus, we have 24-hour police protection; an escort service for anyone who does not wish to walk alone; student police dispatchers; a safety committee made up of faculty and staff; as well as a state of the art mass notification system (RAVE) for distribution of emails and text messaging in case of an emergency. We are very fortunate that our Police, Residence Life and Student Development Departments work hand in hand to provide the upmost protection to all that call our campus...home. While SFU takes extraordinary steps to help create a campus culture built around safety, caring and cooperation, we cannot lose sight of the simple fact that no community is immune or completely safe from predators. We encourage you to use the information contained within this report to promote your own awareness and to continue to make the SFU community a place where education and Franciscan values flourish in a caring living and learning environment.

Fr. Malachi Van Tassell, T.O.R., Ph.D.  
President, Saint Francis University

## **Preparation of the Annual Security and Fire Safety Report**

Saint Francis University Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act as well as the Pennsylvania Crime Reporting Act. This report includes statistics from the previous three years concerning reported crimes that occurred on campus, in specific off-campus buildings or property owned, leased or controlled by the University, and on public property adjacent to the University. The University uses material, which has been gathered from information provided by numerous departments including University Police, Campus Security Authorities, Office of Residence Life, Student Conduct and Study Abroad; along with information provided by the Loretto Borough Police Department and the Pennsylvania State Police. Each of the departments were asked to provide updated policy information and crime data. The Annual Security and Fire Safety Report also includes institutional policies regarding campus safety, such as policies concerning sexual assault and harassment, stalking, domestic and dating violence, alcohol, and other drugs for both University campuses (Loretto, PA and Ambialet, France).

Saint Francis University makes their Annual Security and Fire Safety Report available to every member of the University community by October 1st of each year and explains the process on how to access the report. The Annual Security and Fire Safety Report is available at the University Police Department or online at [www.francis.edu/Campus-Safety-and-Health](http://www.francis.edu/Campus-Safety-and-Health)

*The following report has been provided as an overview of security, facts and information that will be helpful to you. Everyone on campus should be safety conscious and follow all safety and security procedures. If you have any questions or need additional information you may contact any departments mentioned in this report*

# Your Partners in Safety

## **Saint Francis University Police**

As the department with the primary responsibility for the safety and security of the University, the Saint Francis University Police Department is committed to maintaining the needs of all University Faculty, Staff, Students and Visitors. You can reach the University Police Department at **3360** from a campus phone or **814-472-3360** from a non-campus phone.

## **Facts About the Saint Francis University Police Department:**

- The University Police Department consists of both Full-Time and Part-Time Officers.
- Calls are answered 24 hours a day, 7 days a week, 365 days a year.
- There are always two officers on duty each shift, which can be found in marked patrol cars, on foot or bicycle.
- With their widespread coverage University Police are able to respond to almost all calls within minutes after receiving a call.
- In order to heighten the security of the University, the University uses video surveillance cameras in some public areas on campus.
- Saint Francis uses the RAVE Alert system for emergency notifications on campus. Along with the RAVE Alert system, the University also uses the RAVE Guardian app for an added piece of security on campus.
- Upon request the University Police Department will provide an escort service for all faculty, staff and students who may be injured or do not feel safe walking on campus after hours.
- Upon request Saint Francis University Police Officers will conduct or take part in security surveys and crime prevention programs on campus.
- Emergency call boxes are located outside of most Residence Halls, JFK Center, Padua Hall and University Police. These phones connect you directly with the University Police Department.

Every Saint Francis University Police Officer must have obtained their municipal Police Officer certification prior to being hired, which entails more than 800 hours of initial training, as well as attending all required in-service training. The University Police Officers also maintain yearly qualifications in Firearms, Taser and O.C. Pepper Spray along with bi-annual certifications in CPR and First Aid.

## **University Police Authority**

Saint Francis University Police Officers carry firearms and have full authority, including the authority to make arrests, which has been granted by Pennsylvania Act 501, which provides arrest and enforcement powers to private police within the state. University Police jurisdiction includes all property owned or controlled by the University, as well as streets adjacent to and running through campus. The Saint Francis University Police department is made up of both full and part-time officers, all of which are affirmed officers within the state of Pennsylvania.

Saint Francis University strives to provide a professional Police Department, who serve its campus community. The University Police Department is committed to the highest quality of protective services in order to maintain and improve our unique educational environment and quality of life. Our goal is to continue to provide professional response to all calls received from the campus community.

# Your Partners in Safety

## **University Police Authority (continued)**

Through coordination with local law enforcement agencies any criminal activity engaged in by students at off-campus locations located in our geographical area, are monitored and recorded. This information is provided to the Police Captain for any action or follow-up that may be required.

All criminal charges filed by the Saint Francis University Police Department are heard in District Court 47-3-03, by the Honorable John Prebish. Failure to appear before the court on any outstanding charges, will result in the court issuing an arrest warrant.

Officers are responsible for observing, reporting and taking appropriate actions in all instances of criminal and suspicious activities. They are also responsible for detecting and reporting fire and safety hazards, as well as implementing evacuation procedures. For emergency services, the University Police Department can be reached at 3360 on campus or 814-472-3360 non-campus and through 911.

## **Working Relationship with Loretto Borough and The Pennsylvania State Police**

The Saint Francis University Police Department works closely with both the Loretto Borough Police Department and the Pennsylvania State Police through constant contact. The University Police Department has direct contact with the Loretto Police, fire and emergency medical personnel.

## **Environmental Health and Safety**

The Department of Environmental Health and Safety (EH&S) provides both guidance and direction to students, faculty and staff members at the University. The Environmental Health and Safety Department also helps to identify hazards and risks throughout the University and then recommends the appropriate actions needed in order to ensure safe conditions, along with making sure all assets of the University are checked and maintained to meet compliance.

## **The Physical Plant**

The Physical Plant maintains all buildings and grounds owned by Saint Francis University. They are also responsible for maintaining all exterior lighting around buildings and campus grounds. The University Grounds crews maintain all lawns, trees, shrubs and landscaping needs of the University. They work alongside University Police and the Saint Francis University Safety Committee in order to distinguish the areas around campus where a safety concerns exist. The Physical Plant, along with University Police and student representatives conduct yearly lighting surveys on campus in order to maintain a well-lit campus.

# How to Report Crime and Emergencies

## **Who May Call University Police?**

Saint Francis University encourages all students, faculty, staff and visitors, along with anyone acting on the behalf of a victim who is unable to make such a report to promptly contact the University Police Department or another appropriate police agency, if off campus to report a crime or safety concern. During the Freshman orientation program, numerous sessions are conducted for the incoming students and their parents, at which time they are advised to report all information regarding any incident or safety concern to the Saint Francis University Police Department.

## **When Should You Call University Police?**

- If you are the victim of a crime
- If you observe a crime being committed or have information on a crime
- If you or someone you know are injured or seriously ill
- If you see a suspicious person or vehicle in a residence hall, parking lot or another location on campus
- To address a safety concern (campus lighting, propped residence hall doors, use of candles, etc.)
- To report the use, sale or possession of illegal drugs (including alcohol)
- To report the possession of any type of firearm or weapon

## **Q: Can I carry a gun on campus, for self-protection if I have a permit?**

**A:** No. The carrying or possession of any firearm and/or other weapons on campus by anyone other than authorized law enforcement officers is absolutely prohibited.

## **Q: How do I report suspected child abuse or sexual misconduct with a child at the University?**

**A:** University employees who, in the scope of their employment responsibilities, examine, attend, counsel, or treat a child are obligated to report suspected physical or sexual abuse of a child. This includes most employees, including but not limited to, faculty, coaches, student employees, administrators and staff. Such employees regardless of statutorily-protected or designated confidentiality, must report both to the PA ChildLine & Abuse registry at 1-800-932-0313, along with the University Police at 814-472-3360 within 24 hours of receiving the report of alleged child abuse. More information on reporting child abuse is available online at <http://www.keepkidssafe.pa.gov/>

## **Q: What should I do if I am a victim of hazing?**

**A:** Hazing is strictly prohibited by the University Police and Pennsylvania state law (see the hazing policy later in this document). Those who feel they have been victims of hazing should contact the Saint Francis University Police at 3360 from a campus phone, 814-472-3360 from a landline or the Office of Student Conduct at 3002 from a campus phone, 814-472-3002.



# How to Report Crime and Emergencies

## Reporting to the Saint Francis Police Department

You can report criminal activity or other emergencies to the Saint Francis Police by calling 3360 from a campus phone or 814-472-3360 from a non-campus phone.

Crimes may also be reported by:

- Utilizing the RAVE Guardian App, which allows students to contact University Police, 911 or send a tip to University Police all from the app itself.
- Visiting the University Police Department, located at the far end of the JFK parking lot in the Small Business Development Center, the 911 address is 2299 Manor Drive, Loretto, PA 15940.
- Contact Residence Life or your Resident Assistant, who will then contact University Police.

Incidents involving sexual harassment, sexual violence, stalking, and or dating and domestic violence may also be reported to the Title IX Coordinator at 3352 from campus or 814-472-3352 from a non-campus phone.

## Reporting to Other Campus Security Authorities

Although the university prefers that all crimes and other emergencies be reported to the Saint Francis University Police Department at 814-472-3360, we do know that some may prefer to report to other individuals or University Departments. The federal Jeanne Clery Act recognizes certain University officials as Campus Security Authorities (CSA). The act defines these individuals as an “official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings”. Along with the Saint Francis University Police, persons within the University who are designated as CSA’s include residence life staff members, faculty advisors to student groups, athletic coaches and the student conduct officer.

## Confidential Reporting

The Saint Francis University Police can file a report on the details of an incident without revealing your identity. The purpose of a confidential report is to maintain anonymity of the person reporting the incident; yet it allows the University Police to take the steps necessary to ensure your future safety and that of others. If you prefer you can file a confidential report, by visiting [www.ethicspoint.com](http://www.ethicspoint.com) or by calling 1-888-297-9325. The information will then be forwarded to the University Police Department for investigation. The University Police Department encourages all licensed mental health professionals and pastoral counselors to refer persons they are counseling to report crimes in a voluntary, confidential basis by contacting the University Police Department at **3360 or 814-472-3360**, if and when they deem appropriate.

# How to Report Crime and Emergencies

## University Personnel and Locations Where One Can Report Crime:

### Saint Francis University Police Department

Small Business Development Center  
2299 Manor Drive  
Loretto, PA 15940  
814-472-3360

### Office of Residence

Life 239 Padua Hall  
110 Franciscan Way  
Loretto, PA 15940  
814-472-3029

### Center for Well Being

106 Franciscan Way Loretto,  
PA 15940  
Room 201  
814-472-3211

### Office of Student Development

232 C Padua Hall  
110 Franciscan Way  
Loretto, PA 15940  
814-472-3002

### Title IX Office

232 C Padua Hall  
110 Franciscan Way  
Loretto, PA 15940  
814-472-3002

## Timely Warning Reports

In the event a situation arises at Saint Francis University and it constitutes an ongoing and continuing threat, the police chief in

consultation with university administration, will be responsible for:

- Determining if a crime report is needed
- Preparing the content of the crime report
- Issuing Crime Alerts as promptly as reasonability possible to aid in the prevention of related events.

## Determination

A crime alert will be issued when a serious, unresolved crime is committed on or adjacent to the university and the crime creates a serious or continuing threat to campus safety. Crime alerts will not be issued if, in the judgment of The Chief of Police the Director of Residence Life and Vice President for Innovative Partnerships & Student Development, that the crime is not considered to create a threat to the campus community.

## Content

Crime reports will describe the alleged actor(s), the nature of the crime, date, time, location of the crime, and the type of safety measures that individuals should take in order to prevent similar occurrences. Crime Alerts will not contain any identifying information about the victim(s).

## Distribution

Crime Alerts will be issued by the University Police Department through the university's RAVE Alert mass notification system to students, faculty and staff. The chapel bell, assigned floor guardians and mass emails may also be used to notify of an immediate threat to campus.

Depending on the particular circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the Saint Francis Police Department may post a notice to provide the university community with more immediate notification on the University's website at: ([www.my.francis.edu](http://www.my.francis.edu)). In such instances, a copy of the notice will be posted in each residence hall, at the entrance to all academic buildings, the dining hall, student center, along with numerous other high traffic areas on campus.

The location of the Saint Francis University Police Department and contact numbers will be included on the notice to facilitate timely communication with the investigating officers.

# Emergency Notification and Evacuation Procedures

## **IMMEDIATE OR EMERGENCY NOTIFICATION, EMERGENCY RESPONSE, AND THE EMERGENCY MASS NOTIFICATION SYSTEM (RAVE)**

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

The immediate notification capability of the emergency mass notification system is designed to assist the University in immediately notifying the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of students or employees. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation. Such situations would include, but are not limited to, a hazardous materials incident requiring shelter-in-place or evacuation, an armed intruder on or near campus, an approaching tornado, or a fire actively raging in a campus building.

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

Immediate notification to the campus can be accomplished through a variety of communications methods, but the use of the emergency cell phone text, and all campus email, would be seen as the most common and quickest forms of communication under these circumstances. Confirmation typically involves the response and assessment of University Police officers, University officials, local police, or emergency responders.

When on-duty Police officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty Police Officer confirms (through response, investigation, or collaboration with emergency responders) that there is a significant emergency and then immediately contacts the Chief of Police. The Chief of Police will contact the Director of Residence Life and Vice President for Innovative Partnerships & Student Development, who will quickly evaluate the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the campus community who will receive the notification. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to take action. The University will endeavor to make such notification sufficiently specific so as to enable recipients to take an appropriate response to the threat. Pre-canned messages have been prepared as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, the Chief of Police consults with the Director of Residence Life and Vice President for Innovative Partnerships & Student Development prior to an alert being issued.

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

When the emergency mass notification system (RAVE) is activated using the, email, and cell phone text, University officials will notify campus community members of the emergency situation, its exact location, and will most likely request community members to protect themselves by evacuating the affected area if it is safe to do so and/or by employing the “shelter-in-place” concept.

# Emergency Notification and Evacuation Procedures

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

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

## **How to Shelter-In-Place:**

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

## **Off-campus Emergencies:**

The University Police Department may sometimes receive emergency information from the Cambria County 911 Center regarding incidents in Cambria County that could imminently impact the safety of the St. Francis University community. When appropriate, University Police notifies the campus community of off-campus threats that could also represent a threat to the health or safety of students or employees.

## **Emergency Mass Notification System (RAVE) Testing and Registration:**

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

Students, staff, and faculty are informed of the University's RAVE program and evacuation processes annually during training and through written notification. This includes dissemination of information about how to respond during the activation of the RAVE in response to a significant incident on campus or within the immediate area of the campus that potentially directly impacts the safety of campus community members. These information sessions have been built into first-year orientation, residence life student staff training, and new employee/faculty orientations.

# Emergency Notification and Evacuation Procedures

Police Officers additionally test evacuation procedures for all residence halls, and off campus properties owned or controlled by the University at least once each semester as part of Public Safety's fire drill and safe evacuation programs.

The RAVE processes are tested once each semester – including the activation of the cell phone/text messaging systems. These tests are usually announced tests, but they may be unannounced. Available student cell phone numbers are loaded into the cell/text notification system upon their registration for classes.

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

- If you do not currently receive the RAVE notification, it shows you are not in the system and should sign up if you want to receive future notifications.
- Users should keep in mind that changes may take a few days to take effect.

The University's means of communicating during an emergency situation include the following, although not all of these methods are always employed.

The communications method used would depend on the type of emergency:

- Cell phone Text
- All Campus Email Alerts
- Emergency Website, Facebook, and Twitter Accounts
- Public Media (TV, radio, news websites)
- Fire Alarm System Notification
- Public Address System from Siren and from Public Safety Vehicles
- Flyers posted throughout Campus
- Direct On-foot and In-person Notifications

## **EVACUATIONPROCEDURES**

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

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

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

# Emergency Notification and Evacuation Procedures

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

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

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

## **Scope of an Evacuation:**

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

## **Building Evacuation:**

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized University official, such as a Police Officer.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open, and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability. Large-scale Campus Evacuation:
- If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, and the University's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

# Emergency Notification and Evacuation Procedures

## **Large-scale Campus Evacuation:**

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

## **Emergency Preparedness Overview**

Emergency preparedness at St. Francis University is managed by the University's Emergency Operations Plan (EOP) and Program and Emergency Response Team (ERT). Emergency operations planning at St. Francis University means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the St. Francis University and local St. Francis Borough communities.

It means having a comprehensive plan extending from all levels of emergency personnel, down through the individuals that make up our community, to prevent situations that cause emergencies; it means preparing people on the procedures to follow, should a crisis occur; it means having a well collaborated response approach from University and local officials and State and Federal agencies to effectively mitigate any crisis; and it means being ready and able to recover quickly from emergency events in order to keep the operations and business continuity of St. Francis University moving forward.

## **Emergency Response Team (ERT)**

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

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

If a situation arises on or around campus that could potentially threaten the health or safety of College community members, senior officers of the College, members of ERT, and members of Public Safety are immediately summoned as part of St Francis University's crisis response procedure.

University Police Officers, supervisors, and administrators are trained in crisis response and have the authority to take immediate action in response to an imminent crisis, using the Emergency Operations Plan (EOP) and departmental procedures as a guideline.

# Emergency Notification and Evacuation Procedures

These actions may include:

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

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

When an Emergency Operations Center (EOC) is established, ERT will assume a policy, direction, and coordination role over the institution's response and recovery. The EOC will act as an umbrella organization that brings together all of the elements necessary to support the incident and maintain ongoing operations. Command will remain with the Incident Commander or Unified Command group.

The ERT consists of two groups, the Core group and the Advisory group. The Core Group Members are the policy decision-makers and include the President and members of senior staff. The Advisory Group Members are the policy developers and implementers and include key department heads from organizations throughout the institution. The members of ERT are institutional emergency incident resources and potential responders; they are not persons to whom community members should report crimes.

## **TESTING, EXERCISE PREPAREDNESS DRILLS, AND TABLE-TOP EXERCISES**

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

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

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



# Security and Access to Campus Facilities

## **Security and Building Access**

Saint Francis University has installed and maintains all exterior lighting on campus grounds and around all building's. While still maintaining a scenic campus setting, the university grounds crews keep all trees and shrubs trimmed to reduce safety concerns. Along with keeping the grounds pristine, the University Physical Plant also conducts an annual lighting survey on campus. This survey consists of all exterior lighting around buildings, walk ways, streets and parking lots.

During the week there are numerous Saint Francis employees who work at addressing health, safety and maintenance issues on campus. They work alongside the University Police Department and Physical Plant to correct the issues in a timely manner.

As part of their duties, Residence Life staff members conduct health and safety inspections of their assigned residence hall. They have access to an online work-order system in order to get their concerns to the physical plant. The residence life staff also works closely with University Police in situations that constitute emergency maintenance or housekeeping issues as part of a 24-hour call out program.

## **University Building and Programs**

With the exception of residence halls, Saint Francis University is open to the public during the day and evening while in session. On the days the University is officially closed, all buildings will be locked, and only those with granted access will be allowed in any university building. Students requiring housing over the break period, may make their request through the Residence Life Office **814-472-3029**.

Some Saint Francis sponsored programs are open to the general public, while others are reserved to students with a valid Saint Francis ID. Some events may require additional security personnel to help with staffing during the event, such as football games.

# Living at Saint Francis University

## Living at Saint Francis University

Saint Francis University Police Department, and the Office of Residence Life, work in corporation with each other in order to provide resident students with a safe and secure environment. It is important that students, faculty and staff members work together in order to enhance the quality of life, along with safety in the residence halls and off campus properties.

To house undergraduate students during the academic year, Saint Francis University maintains some 1,280 residential beds in 10 residence halls and 11 apartment style structures. They include singles, doubles, triples, suites, houses and apartments.

All of the of 10 residence halls on campus and one off campus housing unit, along with two academic buildings are controlled by a card access system, which are all control by the Saint Francis Police Department and Information Technology Department. All residence hall entrance doors, along with numerous areas on and off campus are monitored by video surveillance, which is overseen and controlled by the University Police Department.

As part of their daily routine University Police officers are in all residence halls throughout their assigned shifts, in order to give an added sense of security to those residing in University housing.

## Residence Hall Security

When resident students arrive on campus, for the first time or returning, they are provided with information regarding campus safety and residence hall security, such as:

- Who to call if there is an emergency
- What procedures to follow in the event of a fire
- Who to contact if they become locked out of their room or residence hall
- How to mark and keep valuables safe
- Visitation, alcohol and drug policies
- General campus safety, along with numerous other topics

During the mandatory first hall meeting of the semester, conducted by the Resident Assistant, students are able to become familiar with their surroundings inside the residence hall and the unique security features allowing them to help make Saint Francis University a safe and secure environment for all. All exterior entrance doors into the residence halls are controlled by card access readers 24-hours a day, seven days a week. Should you find a door into one of the residence halls not operating or securing properly, notify the Saint Francis University Police Department at **814-472-3360 from** a non-campus phone, or by picking up the phone located in the call box outside of each residence hall. You may also notify your buildings resident assistant who will notify the proper authorities. Along with the card readers, all exterior doors of all on campus residence halls are monitored by video surveillance 24-hours a day, 7 days a week for added security for those students living in a University residence hall.

## Residence Life Staff

The Residence Life Staff is made up of the following:

- Thirty-eight residence Assistants (RA's)
- Three Residence Life Coordinators (RLC's)
- One Graduate Assistant (GA)

All residence life staff undergo extensive training sessions throughout the academic year. These trainings include how to handle various emergency situations, de-escalation techniques, alcohol and drug, fire extinguisher, Campus Security Authority, medical, evacuation, etc. The Residence Life staff is available 24-hours a day, seven days a week in the residence halls. Residence Life Coordinators (RLC's) along with completing nightly rounds also maintain scheduled day and evening office hours. Both the Resident Assistant and Residence Life Coordinator are on duty every night, including weekends and holidays during the academic semester. This allows them to assist the residence in any manner. The residence life duty schedule is posted in the residence hall they oversee.

# Living at Saint Francis University

## Security Features for Student Rooms

Every room located inside the residential facilities has its own room key, which are coded with a core number, instead of a key code so if lost no one knows what room the key belongs to. The University advises to not attach room keys to your student ID card, due to if lost it would allow someone into your residence hall and your room.

All exterior doors are secured and controlled by electronic locks, accessible only by student ID cards. Each ID card is encoded specifically for that students building and will not work to gain access into any other residence hall on campus.

Residence should always remember to lock their room doors and windows at all times and carry their key and ID with them at all times, even if only going across the hall or to the restroom. If you should become locked out of your room or building and your Resident Assistant is not on duty, there are phone boxes located outside each residence hall that will connect you directly to the on duty officer.

## Residence Hall Guest Registration Procedures

### Q: A friend is coming to visit me; how do I sign them in?

**A:** In order to enter a residence hall, the resident student must have their issued Saint Francis ID card. Students must register their guest with Residence Life prior to their arrival, all visitors must be accompanied by the resident while they are in the building.

### Q: What are the visitation hours, that my guest can visit me?

**A:** Guest of the opposite sex may visit in residence hall rooms and public areas from 10:00a.m to 12:00a.m (midnight) on weekdays. Then on weekends the hours are extended until 2:00a.m on both Saturday and Sunday mornings.

### Q: Do campus visitors need to register their car, when visiting?

**A:** Yes, all visitors must register their vehicle with University Police. This will help the University Police department locate the owner on campus if there are any issues with their car. There is not charge for a visitor to register their vehicle during their stay.

### Q: What happens if the person visiting me gets in trouble?

**A:** All residents' students are responsible for any policy violations, damages, or property losses attributed to their guest, while they are visiting the University.

## Conference Guests and Camps

University guests who are attending a conference or camp on campus, at times may occupy numerous rooms or entire residence halls during these events, which may take place from May until July, or as space permits. These guests may include those attending sports camps, academic camps, University sponsored events, weddings, etc.

## Housing Assignments and Change Requests

Unless specified, and approved in writing, the housing and food contract is for both the fall and spring semesters. Any request to break the housing contract mid-year must be received in writing prior to the last day of classes for the Fall Semester.

All traditional resident students are required to participate in a meal plan with a minimum 10 meals a week. Meal plans are also available to non-resident students. All students may sign up for or increase their meal plans at any time during the academic year, by going to the Residence Life Office located in Padua Hall 227. Students can make changes to their meal plan at the beginning of the semester before the add/drop date, that is established by the Registrar's Office by stopping by the Residence Life Office.

# Living at Saint Francis University

## **Housing Assignments and Change Requests (continued)**

The office of Residence Life is responsible for making all housing assignments and determining the occupancy and capacity of any room or unit. Attempts will be made to honor roommate request, providing both students have notified the Office of Residence Life. Such requests will be honored on a space available basis. Students who have not expressed a roommate preference will be randomly assigned. The University will not discriminate in the basis of race, color, religion or nationality in the assignment of roommates.

Room changes will not be accommodated until after the first day of classes in any semester. Until that time, all students must remain in their official room assignments. Open room changes will be permitted for a one-week period and will be determined by housing administration. If a student changes room assignments without written approval, he/she will be in violation of their housing contract and will be subject to a \$25.00 fine. In order to accommodate all students applying for housing, it may be necessary to assign students to temporary housing. Upperclassmen take part in a room draw process each Spring Semester to determine their living assignments and roommates for the following year.

If roommates are having issues with sharing a room, they should first try and resolve the issue amongst themselves. If it does not work, they will need to speak with one of the Resident Assistant's in their assigned hall, in order to establish guidelines to make the living assignment work. If the steps set in the roommate mediation are unsuccessful, the student will have the right to meet with a Residence Life Coordinator to determine if a room change is necessary.

## **Policy for Notification of Missing Student**

Members of the Saint Francis University community upon learning of a missing student should immediately report it to the Saint Francis University Police Department at 814-472-3360. Once a missing person's report is filed with the university police, they will carefully investigate and record all factual information surrounding the disappearance. Special care will be applied for instances involving individuals who may be mentally or physically impaired, or others who are not able to care for themselves.

All students living in on-campus housing can confidentially identify and register one or more individuals to be contacted if the student is determined to be missing. The contact person may be anyone, including, but not limited to, the person the student has otherwise identified as an emergency contact. Students will have the opportunity to register a confidential missing student emergency contact to be notified in the event they are missing, with the University Police Department by going to [Missing Student Emergency Contact Information](#) online.

Registration is voluntary, but is strongly encouraged. The information provided to the University Police is confidential and will only be used by University officials and the Saint Francis University Police Department in an emergency situation. In order to further the missing persons' investigation, the provided information will be disclosed to the appropriate local law enforcement personnel.

The missing student emergency contact information can be added or updated at any time, while enrolled as a student at Saint Francis University, by contacting the University Police Department and requesting the change.

If the Saint Francis University Police Department determines after the initial investigation that a student is missing the university will notify the student's emergency contact person no later than 24 hours after the student is determined to be missing. If the missing student is under 18 and is not an emancipated individual, the university will notify the custodial parent or guardian within 24 hours of the determination being made that the student is missing, in addition to notifying the missing student emergency contact person that was designated by the student.

Along with following the set University policy, the University Police will also notify the appropriate local law enforcement agency with 24-hours of the determination that the student is missing.

# Living at Saint Francis University

## **Housing During Holidays and Breaks**

All Saint Francis University residence halls will be closed during Thanksgiving break, Christmas break, Winter break, Spring break and Easter break. When the halls are closed, students must vacate their rooms and card access to the buildings is disabled during this time. Details of closing times and policies are posted in the halls prior to these breaks. When the halls close for breaks, a University staff member checks every room to be sure all break procedures are followed. Examples of these procedures would be unplugging certain electrically powered items, turning off lights, and locking windows. Any policy violations will be reported. During this time the Saint Francis University Police Department will continue to patrol campus and all residential housing units. As an added precaution all students should remove anything of value from their room to take home or store out of sight in their room.

## **University-Owned and Controlled Apartment Housing**

Saint Francis University owns and or controls seventeen apartments or house style structures, which are located in Loretto Borough. The University refers to this program as the Housing Apartment Transition Program (HATP).

This program is designed to give upper-class students independent living with University support. HATP residents live not only amongst fellow students, but also members of the Loretto community and as such are expected to hold themselves and fellow HATP residents to the highest of standards. Students in this program represent the University to the Loretto community and are subject to all University policies and procedures. University Police, Loretto Borough Police and the Pennsylvania State Police patrol all HATP properties and regularly share information as it relates to those properties.

## **Safety While Studying Abroad**

The Office for Study Abroad is dedicated to fostering a "culture of study abroad" at Saint Francis University. Our diverse international programs give students an exciting way of completing credits and/or offering service. Study abroad program helps students develop skills and gives them experiences a classroom setting will never provide. In addition to making friends around the world, study abroad increases students' self-confidence and will have a lasting impact on their world view.

The health and safety of all Saint Francis University students who are studying abroad has always been a primary concern for all those involved with the study abroad program at the University. For those students who choose to study aboard, whether it be for a semester or a week are held to the same policies and procedures set forth by the University as the traditional University student.

# Crime Prevention and Safety Programs

## **Police and Residence Life Programming**

Saint Francis University offers numerous programs in conjunction with the Police Department and the Office of Residence Life. They work tirelessly together to teach all students and employees tips on how to be aware of their surroundings, in order to increase their knowledge on their safety and security of other University members. Some programs are included below:

- University Police officer engraving of personal items of value (bikes, gaming systems, televisions, headphone, etc.)
- University Police, along with the Office of Residence Life present several active threat response training to all facility, staff and students. This training is directly related to the U.S. Department of Homeland Security's "Run, Fight, Hide" techniques which offers tips to those taking part in the training on how to survive an active shooter/workplace violence incident.
- Adding to the active shooter training the University Police Department again follows the U.S. Department of Homeland Security's bomb threat check list in order to train to Residence Life staff, faculty and staff members on how to stay claim and gather the important information if they would receive a call for a bomb threat to campus. Along with what to do if they discover a suspicious package on or around campus.
- The University Police Department will also conduct hall programs in the residential building and HATP at the request of the Resident Assistant. Including winter safety tips, basic vehicle safety tips, theft prevention, alcohol and drugs

## **Environmental Health and Safety**

The Saint Francis University Department of Environmental Health and Safety (EH&S) provides guidance and direction to all University students, faculty, and staff member. EH&S works to identify all hazards and risks, then makes recommendations for the appropriate actions to be taken to ensure safe conditions, and assists the University in maintaining regulatory compliance. The department provides numerous trainings to University students, faculty and staff members on various topics:

- Fire safety
- Occupational Health
- Environmental Health

They also work closely with the Saint Francis University Police Department in the development of University's Emergency Management Plan.

## **Saint Francis University Shuttle**

Saint Francis University Police Department provides a shuttle service to all University students needing assistance around campus, contact the University Police Department at **814-472-3360** to make arrangements. Along with the shuttle service, the University Police Department also offers an escort services to any student who does not wish to walk alone on campus, especially after dark. These services can be arranged by calling University Police Department at 814-472-3360.

# Crime Prevention and Safety Programs

## How to Report a Maintenance Issue on Campus

- During normal business hours you can call the Physical Plant at **814-472-3017** to report your issue.
- After hours, you can contact the Resident Assistant for the appropriate building. They will have the ability to put a maintenance request through, which will describe the issue that needs to be corrected or repaired.
- If it is a safety issue that requires immediate attention contact the University Police Department at **814-472-3360**, they have the ability to contact the Physical Plant directly during or after business hours.
- The University Physical Plant has numerous resources available to fix the issue in a timely manner (Electricians, Plumbers, HVAC, Trades, Lock Smiths and Custodial)

## Common Student Maintenance Requests

- No power in my room
- Window will not close or lock
- Key broke off in my door
- My key is not working
- The outside door will not close or lock
- The toilet will not stop running
- The toilet will not flush
- There is water leaking from the ceiling in my room
- The heat is not turning on in my room
- The card readers are flashing

# Obtaining Crime and Safety Information

In accordance with the Pennsylvania Uniform Crime Reporting Act and the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Reporting Act, all Saint Francis University students and employees receive updated security information annually. The University also makes all information concerning campus crime and security available in multiple ways, which include the following:

- All students prior to registering for class must read and agree to the Student Handbook, which outlines University policies and student conduct, sanctions, health and safety issues.
- All incoming freshman and family members who attend the University's SOAR program are advised of University policies and procedures on crime and safety as they partake in multiple event throughout the day.

The University holds numerous crime prevention programs and seminars throughout the year. These events are sponsored by the Saint Francis University Police Department, Office of Residence Life, Office of Student Conduct, University Counseling Center, Athletics and numerous other departments on campus.

## How to Access the Campus Crime Report

The Saint Francis University Police Department prepares a daily crime log of all reported incidents. The log contains information pertaining to the nature, date, time and general location of the crime and the disposition, if known. This information is available in person at the University Police Department located in the Small Business Administration Building 2299 Manor Drive.

### Q: Where can I find the Crime Report?

**A:** The daily crime log is available for review at the Saint Francis University Police Department, during normal business hours (Monday—Friday 8:00 AM to 4:00 PM). If you wish to view the daily crime log and cannot make it in during those hours, notify the University Police Department at **814-472-3360** to make arrangements to come in during off hours.

### Q: What other crime reports are available?

**A:** All crimes reported the Saint Francis University Police Department are submitted on a monthly basis to the Pennsylvania State Police for inclusion in the Uniform Crime Report (UCR). The Saint Francis Police Department also submits an annual report to the U.S. Department of Education; statistics are gathered from the following sources:

- The Saint Francis University Police Department
- The Loretto Borough Police Department
- The Pennsylvania State Police
- Other law enforcement agencies that have jurisdiction of areas where the University uses or has control over a given area.
- Office of Student Conduct
- The Department of Study Abroad

### Q: Do any reports show Saint Francis University Crime Statistics over a longer period of time?

**A:** Yes. In compliance with Chapter 3 of the Pennsylvania Uniform Crime Reporting Act and the Federal Jeanne Clery Act, the Saint Francis University Police Department generates a three-year statistical report, which is included in this report. An email notice of this report and its availability is made known to all current students, staff, and faculty members. While prospective students and employees are made aware of its existence and advised how to obtain a copy or how to view the report online.



# Obtaining Crime and Safety Information

## **How to Access the Campus Crime Report (continued)**

### **Q: Does Saint Francis University screen prospective employees for a criminal history?**

**A:** Yes, all prospective staff and faculty members are asked if they have ever pled to or been convicted of any misdemeanor or felony crimes. All prospective employees are also screened in state and federal criminal records database. Certain positions and departments where they would have direct contact with children consistent with the requirements of Act 153, will require that a criminal background to be completed.

### **Q: Does Saint Francis University screen prospective students for criminal history?**

**A:** No, although some school applicants may be required to supply information about their criminal history, it is not required as part of the enrollment process at Saint Francis University. However federal law requires that certain disclosures be made on financial aid forms.

## **Megans Law Information**

Under the Federal Campus Sex Crime Prevention Act, any person who is required to register with the commonwealth as sex offender under Pennsylvania's Megan's Law must notify the state if they are employed or are enrolled as a student at a college or university. The law also requires institutions of higher education to advise the campus community on how to obtain information on current registered sex offenders and predators residing with the campus community. Information regarding registered sex offenders residing within a 5 mile radius of Saint Francis University may be obtained by going to the Pennsylvania Megan's Law website at [pameganslaw.state.pa.us](http://pameganslaw.state.pa.us)

This information is provided as a part of Saint Francis University's continuing commitment to safety and security on campus in compliance with the College and University Security Information Act of Pennsylvania and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. A log of all reported crime is available for public inspection at the Saint Francis University Police Department, located in the Small Business Development Center 2299 Manor Drive, Loretto, PA 15940.

# Saint Francis University 2023 Annual Disclosure of Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and the Campus Crime Statistics Act mandate the manner in which crime statistics are to be collected and the format in which the statistics shall be published. In addition to incidents reported to the Saint Francis University Police Department, statistics include offenses that were reported to the Loretto Borough Police Department, Pennsylvania State Police and other law enforcement authorities which have jurisdiction or areas where the University uses, has control over a given area and Saint Francis officials which have significant responsibility for student and campus activities. Saint Francis has provided statistical information include, but are not limited to, Residence Life Staff, Faculty Advisors to student groups, Dean of Students, Directors of Athletics and team coaches, Coordinator of Greek Affairs, Physicians in the Campus Health Center. University counselors voluntarily provide non-identifying information on crimes reported to them.

Statistics include crimes committed on campus, along with crimes reported on public property areas that are contiguous to campus. In accordance with the Jeanne Clery Act Disclosure Act, crime statistics are shown in the following geographical categories:

- On-campus and within all campus buildings
- On-campus residence halls or other student residential housing
- Non-campus buildings or properties “those properties owned or leased by the institution that are used in direct support of the institution’s educational purposes, are frequently used by students, and that are not within the same reasonably contiguous geographical area of the institution.”
- Public Property “all public property that is within the campus or immediately adjacent to and accessible from the campus.”

## Definitions of Clery Reportable Crimes

**Murder/Non-Negligent Manslaughter:** Defined as the willful killing of one human being by another

**Negligent Manslaughter:** Defined as the killing of another person through gross negligence

**Sexual Assault:** Under the Violence Against Women Act (VAWA), the definition of sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-based Reporting System user manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.” The VAWA definition of sexual assault includes rape, fondling, incest, and statutory rape. In Pennsylvania, with the exception of rape and involuntary deviate sexual intercourse, a person commits the crime of sexual assault when that person engages in sexual intercourse with a complainant, without their consent.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by sex organ or another person, with the consent of the victim.

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

**Incest:** Sexual intercourse between persons who are related to each other with the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

# Saint Francis University 2023 Annual Disclosure of Crime Statistics

## Definitions of Clery Reportable Crimes (continued)

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

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

**Burglary:** Unlawful entry of a structure to commit a felony or a theft

**Motor Vehicle Theft:** Theft or attempted theft of a motor vehicle

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

**Liquor Laws:** The violation of state and or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, or possession or use of alcoholic beverages.

**Drug Abuse Violations:** The violation if laws prohibiting the production, distribution, and or use of certain controlled substances and the equipment or devices utilized in their preparation and or use.

**Weapons Law Violation:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person similarly situated to a spouse of the victim under the domestic or family laws of the Commonwealth of Pennsylvania, or by any other person against and adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. Pennsylvania does not have a specific statute for domestic violence; those incidents are categorized as simple or aggravated assaults or other applicable offenses.

**Dating Violence:** The VAWA definition of dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be 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. For the purpose 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. Pennsylvania does not have a specific statute for dating violence; those incidents are categorized as simple or aggravated assaults or other applicable offenses.

# Saint Francis University 2023 Annual Disclosure of Crime Statistics

## Definitions of Clery Reportable Crimes (continued)

**Stalking:** The VAWA definition of stalking is 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 of others, or (b) suffer substantial emotional distress. For the purpose of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. In Pennsylvania, 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 communicates either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**Hate Crimes:** Includes all Clery reportable crimes that manifest evidence that the victim was intentionally selected because the perpetrator's bias against the victim based on disability, ethnicity, gender, gender identity, national origin, race, religion, sexual orientation, plus the following crimes:

- Larceny/Theft: Includes pick pocketing, purse snatching, shoplifting, theft for a building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.
- Simple Assault: Unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- Destruction/Damage/Vandalism to Property (except Arson): To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control over it.

## Crimes reported to Saint Francis University Police/Officials or Local Police (Chart 1)

- A. Statistics in these categories show arrest for all liquor, drug, and weapons law violations and include both student and nonstudent arrests. Students arrested for these violations are automatically referred to the Office of Student Conduct.
- B. Hate Crime information includes crimes reported to Chart 1 (except liquor law, drug violations and weapons law) and any crime involving bodily injury, theft, simple assault, intimidation, or vandalism that exhibits evidence that the victim was intentionally selected because of their actual or perceived Race, Religion, Sexual Orientation, Gender, Ethnicity, National Origin, Disability, or Gender Identity. Hate crime information: for the last three reporting years (2014,2015 and 2016) there was no hate crimes committed at Saint Francis University.
- C. A report is considered as unfounded and removed from crime statistics when sworn or commissioned law enforcement officers have fully investigated the crime report and have determined the report to be false or baseless.

# Saint Francis University 2023 Annual Disclosure of Crime Statistics

## Determination of Reportable Locations

While Saint Francis University holds classes in various locations throughout the world, only two of our locations meet all of the reporting requirements set forth in the Campus Safety Act. The only sites that have an organized program of study and administrative personnel on-site are the Loretto, PA and Ambialet, France campuses. All of the policies and expectations of student conduct are followed regardless of which campus location the students are attending, along with enforcing all University policies the same educational programs are available to the students. While we are not required to track and report these numbers, any incident reported to the University from one of below mentioned will be included in this report.

The following will be included:

- Campus' with administration which are Saint Francis University located in both Loretto, PA and Ambialet, France
- Campus' without administration which are Jamaica Costa Rica, Bolivia, Peru, Nicaragua, London, St. Lucia, Spain, Penn Highlands Community College Johnstown, South Hills School of Business State College, South Hills School of Business Altoona, Greater Altoona Career and Technology Center, Chestnut Ridge Elementary, Clearfield County Career and Technology Center, Clearfield County Career and Technology Center, Richland High School, Mount Union High School, Glendale School District, Windber Elementary School, Sheetz Corporate Office Altoona, Concurrent Technology Corporation Johnstown

## Notes for Saint Francis University's Uniform Crime Reporting Act (Chart II)

- A. Under the Uniform Crime Act (UCR) Part I Crimes guidelines, the crime of Rape includes Rape, Attempted Rape, and Sexual Assault.
- B. Under UCR Part II Crime guidelines, Other Assaults include Simple Assaults as well as Harassment incidents involving a threat to assault
- C. Under UCR Part II Crime guidelines, Sex Offenses (except Part I offenses) include Indecent Assault and Indecent Exposure.
- D. All other Offenses (except traffic) include, but are not limited to, trespass and violation of city ordinance

**Chart I:** contains the statistics for those offenses reported to the Saint Francis University Police Department, the Loretto Borough, Pennsylvania State Police and other law enforcement authorities that have jurisdiction of areas where the University uses or has control over a given area, and the University personnel who have significant responsibilities for student life and campus activities.

**Chart II:** contains the statistics for those offenses reported to the Saint Francis University Police Department only as recorded for the Uniform Crime Report (UCR). These UCR statistics are derived, in part, from patrol areas in areas which are not adjacent to campus.

Chapter 3 of the Pennsylvania Uniform Crime Reporting Act requires the release of crime statistics and crime rates to students and employees, and it also requires that the statistics be available to applicants and new employees upon request. The crime rate is determined by a formula specified by the Uniform Crime Reporting Act and is calculated by dividing the number of reported crimes by the number of full-time equivalent students and employees, then multiplying that number by 100,000.

*It is important to understand that the crime classifications for which colleges and universities must provide statistics differ under state and federal law. Statistics for certain crime classification might appear to be different. For example the federal statistics for motor vehicle theft differ from the state statistics for the same category because the federal classification includes attempted motor vehicle theft, while state law requires institutions to separately report attempted motor vehicle thefts. Saint Francis University complies with its record-keeping and reporting requirements under applicable laws, including protecting personally identifying information about the survivor.*

CRIMES REPORTED TO SAINT FRANCIS UNIVERSITY POLICE/OFFICIALS OR LOCAL POLICE (LORETTO CAMPUS)						
OFFENSE	YEAR	TOTAL ON-CAMPUS PROPERTY	ON-CAMPUS RESIDENTIAL FACILITIES*	NONCAMPUS BUILDINGS OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED CRIMES <sup>c</sup>
Murder/Nonnegligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	3	3	0	0	0
	2021	1	1	0	0	0
	2020	3	3	0	0	0
Forcible Fondling	2022	0	0	0	0	0
	2021	1	1	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	1	1	0	0	0
	2021	0	0	0	0	0
	2020	1	1	0	0	0
Burglary	2022	3	3	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arrests: Liquor Law Violations <sup>a</sup>	2022	0	0	0	1	0
	2021	0	0	0	0	0
	2020	1	1	0	0	0
Arrests: Drug Law Violations <sup>a</sup>	2022	0	0	0	0	0
	2021	2	1	1	0	0
	2020	0	0	0	0	0
Arrests: Weapons Violations <sup>a</sup>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2022	44	44	0	0	0
	2021	32	29	0	0	0
	2020	33	31	0	0	0
Disciplinary Referrals: Drug Law Violations	2022	6	6	0	0	0
	2021	4	3	0	0	0
	2020	5	5	0	0	0
Disciplinary Referrals: Weapons Violations	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Hate Crimes <sup>b</sup>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Beginning in year 2013, the following crime statistics are required for this report.						
Domestic Violence	2022	1	1	0	0	0
	2021	1	1	0	0	0
	2020	1	1	0	0	0
Dating Violence	2021	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Stalking	2022	1	1	0	0	0
	2021	1	0	0	0	0
	2020	2	2	0	0	0

CRIMES REPORTED TO SAINT FRANCIS UNIVERSITY POLICE/OFFICIALS OR LOCAL POLICE (AMBAIET, FRANCE CAMPUS)						
OFFENSE	YEAR	TOTAL ON-CAMPUS PROPERTY	ON-CAMPUS RESIDENTIAL FACILITIES*	NONCAMPUS BUILDINGS OR PROPERTY	PUBLIC PROPERTY	UNFOUNDED CRIMES <sup>c</sup>
Murder/Nonnegligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Forcible Fondling	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Incest	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Robbery	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Aggravated Assault	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Burglary	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arson	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arrests: Liquor Law Violations <sup>a</sup>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arrests: Drug Law Violations <sup>a</sup>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Arrests: Weapons Violations <sup>a</sup>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Disciplinary Referrals: Drug Law Violations	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Disciplinary Referrals: Weapons Violations	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Hate Crimes <sup>b</sup>	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Beginning in year 2013, the following crime statistics are required for this report.						
Domestic Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Dating Violence	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0
Stalking	2022	0	0	0	0	0
	2021	0	0	0	0	0
	2020	0	0	0	0	0

CRIME CATEGORIES	2022		2021		2020	
	Reported Crimes	Crime Rate	Reported Crimes	Crime Rate	Reported Crimes	Crime Rate
<b>UCR PART I CRIMES</b>						
CRIMINAL HOMICIDE	0	0	0	0	0	0
Murder and Nonnegligent Manslaughter	0	0	0	0	0	0
Manslaughter by negligence	0	0	0	0	0	0
<b>FORCIBLE RAPE</b>	1	.0005	0	0	2	.0008
Rape by Force	1	.0005	0	0	2	.0008
Assault by Rape: Attempts	0	0	0	0	0	0
<b>ROBBERY</b>	0	0	0	0	0	0
Firearm	0	0	0	0	0	0
Knife or Cutting Instrument	0	0	0	0	0	0
Other Dangerous Weapon	0	0	0	0	0	0
Strong Arm (Hands, Fists, Feet, etc.)	0	0	0	0	0	0
<b>ASSAULT - AGGRAVATED</b>	1	.0005	0	0	0	0
Firearm	0	0	0	0	0	0
Knife or Cutting Instrument	0	0	0	0	0	0
Other Dangerous Weapon	1	.0005	0	0	0	0
Strong Arm (Hands, Fists, Feet, etc.)	0	0	0	0	0	0
<b>BURGLARY</b>	3	.0016	0	0	0	0
Forcible Entry	0	0	0	0	0	0
Unlawful Entry - No Force	3	.00160	0	0	0	0
Attempted Forcible Entry	0	0	0	0	0	0
<b>LARCENY - THEFT (EXC. MOTOR VEHICLES)</b>	7	.0038	4	.0013	2	.0008
<b>MOTOR VEHICLE THEFT</b>	0	0	0	0	0	0
Autos	0	0	0	0	0	0
Trucks and Buses	0	0	0	0	0	0
Other Vehicles	0	0	0	0	0	0
<b>ARSON</b>	0	0	0	0	0	0
<b>Total Part I Offenses</b>	<b>12</b>	<b>.0065</b>	<b>4</b>	<b>.0013</b>	<b>4</b>	<b>.0015</b>
<b>UCR PART II CRIMES</b>						
Assault-Nonaggravated	1	.0005	1	.00033	1	.0040
Forgery and Counterfeiting	0	.0	0	0	0	0
Fraud	0	0	0	0	0	0
Embezzlement	0	0	0	0	0	0
Stolen Property, Receiving Possession, etc.	0	0	0	0	0	0
Vandalism	3	.0016	3	.0001	3	.001
Weapons, Carrying, Possession, etc.	0	0	0	0	0	0
Prostitution and Commercialized Vice	0	0	0	0	0	0
Sex Offenses (Excluding Prostitution & Rape)	0	0	0	0	0	0
<b>Drug Abuse Violations</b>	0	0	0	0	2	0.008
S - Opium-Cocaine	0	0	0	0	0	0
A - Marijuana	0	0	2	.0008	2	.0008
L - Synthetic	0	0	0	0	0	0
E - Other	0	0	0	0	0	0
<b>Drug Possession Violations</b>	2	.0010	2	.0008	2	.0008
P - Opium-Cocaine	0	0	0	0	0	0
O - Marijuana	2	.0010	2	.0008	2	.0008
S - Synthetic	0	0	0	0	0	0
S - Other	0	0	0	0	0	0
Gambling	0	0	0	0	0	0
Bookmaking	0	0	0	0	0	0
Numbers, etc.	0	0	0	0	0	0
Offenses Against Family & Children	0	0	0	0	0	0
Driving Under the Influence	2	.0010	0	0	0	0
Liquor Laws	7	.0038	9	.0034	9	.0034
Drunkenness	0	0	0	0	10	.0044
Disorderly Conduct	2	.0010	2	.0008	2	008
Vagrancy	0	0	1	0	1	0
All Other Offenses (Ex. Traffic)	5	.0030	2	.0008	2	.0008
<b>Total Part II Offenses</b>	<b>21</b>	<b>.011</b>	<b>21</b>	<b>.008</b>	<b>21</b>	<b>.008</b>
<b>Grand Total All Offenses</b>	<b>33</b>		<b>25</b>		<b>25</b>	



# Policies on Alcohol and Drugs

## **Saint Francis University Policy**

The following sections describe Saint Francis University's policy regarding the sale, service, distribution and consumption of alcoholic beverages on or off University property or at University sponsored events in accordance with federal, state and local laws.

Those under the minimum legal drinking age of twenty-one are not permitted to possess or consume alcohol anywhere on University property or at University sponsored events. All Saint Francis University residence halls are substance free, meaning no alcohol is permitted regardless of your age. Students who are over twenty-one and are part of the Housing Apartment Transition Program (HATP) are permitted to possess and consume alcohol in approved University housing units.

Consumption of alcoholic beverages is prohibited for all students regardless of their age in all property owned, leased or subject to the control of the University, or as part of any of its activities, including, but not limited to off-campus activities sponsored by the University or engaged in by any recognized student organization. Students found to be where alcohol is present or being consumed will be in violation of the Saint Francis University alcohol policy. Students over the age of twenty-one who live in HATP units, upon review of their status, may request an exception in accordance to the HATP alcohol policy. The sale or furnishing of alcoholic beverages of any kind, to a person under the age of twenty-one, aside from being a violation of state law is also considered to be a more serious violation of the University's alcohol policy.

Students who are of the legal drinking age may not share or provide alcohol to any students, employees or guests who are under twenty-one years of age. Drinking games, and simulated drinking games are prohibited on University property.

The University has full discretion in determining what events will permit the possession, consumption, of alcohol by persons of the legal drinking age. For more information, see the University's Social Event Policy.

## **Enforcement of State, Local and Federal Laws**

Saint Francis University enforces all state and local laws regarding the possession, use, transportation, and sale of alcoholic beverages, including those prohibiting underage drinking and local laws prohibiting open container of alcohol in public. The University also enforces all state and federal laws concerning use or possession illegal drugs on University property.

In addition to University imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on University property or at University sponsored activities.

# Policies on Alcohol and Drugs

## Drug and Alcohol Education Programming

Saint Francis University offers numerous programs throughout the academic year on Drug and Alcohol awareness which are open to all University students.

- **SOAR Presentations:** Every year Saint Francis University presents Summer Orientation sessions with the parents of all incoming Freshman students on the significance of alcohol use for University students. There we review University policy's on alcohol use and talk about shared local resources both on and off campus. Parents are encouraged and given tips on how to initiate a dialog with their student about alcohol and drug use. Presented by numerous administrative members of the University.
- **What is the True Cost of Underage Drinking:** The true cost of underage drinking is much more than purchasing the alcohol, dealing with the hangover or paying for the damages you may have done. Hear straight from District Judge John Prebish Jr.; Liquor Control Enforcement representative; Associate Dean of Students, Ms. Lynne Banks; Director of Residence Life, Mr. Don Miles, and head of University Police, Captain Chris Lytle, as to what is truly at stake for you. This training is required for all freshmen and is available upon request to all University members.
- **Beer Goggles:** Students were encouraged to volunteer to perform field sobriety test, while wearing Beer Goggles. This is program was presented by the Public Health Program and was open to all University students.
- **Alcohol Jeopardy:** Students participate in a game show style event in the Residence Hall, this program is open to any group upon request. Presented by Saint Francis Drug/Alcohol Services.
- **A Community in Crisis, Opioid Addiction and Abuse:** Presented by Conemaugh Health Systems. The program focused on the opioid epidemic on both a national and local level, with the far-reaching impact on the community. This open to all students and the local residents.

Saint Francis University restricts the use of alcohol at all events involving groups while on university property. Furthermore, alcohol is prohibited in all residence halls on campus. Those living in the HATP units and are of legal drinking age meeting all the necessary requirements, may apply for an alcohol permit. However, there are strict limits on the amount of alcohol these residents may bring into their assigned house or apartment.

# Saint Francis University is a Drug Free Campus

## **Drug and Alcohol Prevention Program (DAPP)**

Saint Francis University in compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (amends the Higher Education Act) 20 U.S.C. § 1011i; 34 C.F.R. § 86.1 et seq.; 55 Fed. Reg. 33,580 (Aug. 16, 1990) annually informs the University community of the resources available through the University Drug and Alcohol Prevention Program. The Drug and Alcohol Prevention Program at Saint Francis University applies to all students taking courses for academic credit at Saint Francis University including students enrolled at the Saint Francis University campus in Ambialet, France. Academic programs occurring at campuses other than the Loretto, Pennsylvania Campus are also included. The content of the program also applies to employees of the University. This program applies to all on campus and off campus activities, including field trips, student-sponsored social activities, or professional meetings attended by employees that are sponsored by Saint Francis University.

To comply with the Drug Free Schools and Communities Act of 1989 and subsequent amendments, students and employees of University are informed that strictly enforced policies are in place which prohibits the unlawful possession, use or distribution of any illicit drugs, including alcohol, on University property or as part of any University-sponsored activity. Students and employees are also subject to all applicable legal sanctions under local, state and federal laws for any offenses involving illicit drugs on University property or at University-sponsored activities. The University affirms that illegal drug use is unlawful and harmful. The use of illegal drugs and alcohol abuse by students and employees could result in cognitive deficits, loss of productivity and other health risks. These risks include an increased risk of accidents which may result in death or permanent injury. Free educational information on alcohol and other drug misuse is available for the University community through the Alcohol and Drug Education Center located at 116 Padua Hall or University Health Service located in DiSepio Center. Free confidential counseling for alcohol and other drug abuse issues is available to students through the University Counseling Services located in Saint Francis Hall. The University sponsors educational programming for alcohol and other drug abuse issues through the Alcohol and Drug Education Center, the Office of Residence Life and the Office of Student Engagement. Other referral resources may include assessment, individual counseling, educational programs, materials, and referral and case management through community agencies, all which may include a fee.

The Drug and Alcohol Prevention Program at Saint Francis University includes information on Parental Notification, University Policy Statement, Safe Harbor Statement, Responsible Action Statement, Medical Transport, Pennsylvania Medical Amnesty Law, Legal Sanctions, Criminal Penalties as well as Student Conduct Action. The Student Handbook also contains supplemental information on the health effects of alcohol and drug use as well as resources for community members seeking assistance.

# Saint Francis University is a Drug Free Campus

## Illegal Drug Policy

The following sections describe Saint Francis University's policy regarding the sale, manufacture, distribution, possession and use of illegal drugs on or off University property or at University sponsored events in accordance with federal, state and local laws.

In addition to University imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local laws for any offenses involving illegal drugs on University property or at University activities.

Whether on or off campus, failure to comply with the directives of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so is considered unacceptable behavior for a University student. An example of such inappropriate behavior includes but is not limited to:

- Refusing to submit to a field sobriety test when requested by a police officer
- Failure to leave the scene of an incident when instructed by staff
- Failure to comply with instructions given by staff.

Please be advised, that intoxication will not be seen as a justifiable reason for a student's failure to comply with staff directives.

**Mandated Evaluation and Counseling:** Students who violate the Alcohol and Other Drug Policy may be mandated for evaluation and counseling with a Substance Abuse Counselor. In some cases, mandated evaluation and counseling with a Substance Abuse Counselor may affect future employment and/or admission to graduate/professional schools. Students are advised to determine how this sanction will affect their current and future career goals.

**University Sanctions:** The Saint Francis University Code of Student Conduct and Student Conduct Process as published in the student handbook, outlines the rules for students pertaining to alcohol and drugs. Students are also subject to Student Conduct Sanctions for which would apply to violations of Alcohol and Drug Policies as published in the Student Handbook. Employees in violation of the Drug Free Workplace Policies are subject to corrective action up to and including termination of employment.

## If You Need Help

Saint Francis University offers confidential, professional counseling and referrals for all students who need help for problems relating to alcohol and drug abuse, through the University Counseling Center located in 120 Saint Francis Hall. Outside help is also available to all University community members from the following sources:

- Alcoholics Anonymous                      1-800-344-2666
- National Institute on Drug Abuse        1-800-662-HELP
- Alcohol and Drug Referral                 1-800-252-6465

## **Enforcement of State, Local and Federal Laws**

Saint Francis University enforces all state and local laws regarding the possession, use, transportation, and sale of alcoholic beverages, including those prohibiting underage drinking and local laws prohibiting open container of alcohol in public. The University also enforces all state and federal laws concerning use or possession illegal drugs on University property.

In addition to University imposed sanctions, students and employees are subject to all legal sanctions under federal, state and local law for any offenses involving illegal drugs on University property or at University sponsored activities.

## **Legal Sanctions / Criminal Penalties**

Students and employees are reminded that unlawful possession, distribution, or use of illicit drugs or alcohol may subject individuals to criminal prosecution. The following represents a summary of relevant articles from the Pennsylvania Crimes Code. Statutes for alcohol violation come from the Pennsylvania Crimes Code Title 18, Pennsylvania Liquor Code Title 47.

A person, under the age of 21, commits a summary offense if he/she attempts to purchase, purchases, consumes, possesses, or knowingly and intentionally transports any liquor or malt or brewed beverages. A maximum fine \$500 plus court costs and a maximum fine of \$1000.00 for second offense and any subsequent offenses. The police department making an arrest for 6308 is obligated to notify the parents or guardians of the minor charged (Pa C.S.A. 6308).

A person is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violations if he/she is under the age of 21 and knowingly and falsely represents him/herself to be 21 years of age or older, for the purpose of obtaining any liquor or malt or brewed beverages. Maximum fine is \$500 plus court costs and loss of driver's license (Pa C.S.A. 6307).

A person is guilty of a misdemeanor of the third degree if he/she knowingly, willfully, and falsely represents to any licensed dealer, or other person, that a minor is of legal age for the purpose of inducing a person to sell or furnish any liquor, malt, or brewed beverages. The minimum penalty is a fine of not less than \$300 (Pa C.S.A. 6309).

A person commits a misdemeanor of the third degree if he/she intentionally and knowingly sells or intentionally and knowingly furnishes, or purchases with the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age. The minimum penalty for violating this subsection is a fine not less than \$1000 for the first violation and a fine of \$2500 for each subsequent violation plus court costs (Pa C.S.A. 6310.1A).

A person commits a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation if he/she is under 21 years of age and possesses an identification card that falsely identifies the person as being 21. It is also a violation to use the identification card of another individual. The minimum penalty is a fine not more than \$500 plus court costs (Pa C.S.A. 6310.3).

It is unlawful for any person who is an operator or any occupant in a motor vehicle to be in possession of an open alcoholic beverage container or to consume any alcoholic beverages or controlled substances. This is a summary offense with a maximum penalty of \$300 (PA Title 75 3809).

A person is guilty of a summary offense if he/she appears in any public place under the influence of alcohol or a controlled substance. Penalty is a maximum fine of \$300 plus court costs (Pa C.S.A. 5505).

A minor (under 21 years of age) shall not drive, operate, or be in physical control of a motor vehicle while having alcohol in his/her system. This is a summary offense with a fine of \$100 (Pa C.S.A. 3718).

A person shall not drive, operate, or be in physical control of the movement of a vehicle while under the influence of alcohol or a controlled substance to a degree that renders the person incapable of safe driving. For an individual who is 21 years of age or older, the Blood Alcohol Content is .08, for a minor under 21, the Blood Alcohol Content is .02. It is a misdemeanor of the second degree for a first offense.

### State Alcohol & Other Drug Violations & Penalties

#### Alcohol Sanctions

Offense	Penalty	Fine	Jail/Prison
Misrepresentation of age to secure liquor or malt or brewed beverages	First Offense Second Offense Misdemeanor	Up to \$300 Up to \$4,500	30 days jail
Purchase, consumption, possession, or transportation of liquor or malt or brewed beverage	First Offense Second Offense	Up to \$500 Up to \$1,000	30 days Jail
Representing that minor is of age	Misdemeanor	NLT *\$300	
Inducement of minors to buy liquor or malt brewed beverages	Misdemeanor	NLT \$300	
Selling or furnishing liquor or malt or brewed beverages to minors	First Violation Misdemeanor Subsequent Violation	NLT \$1,000 \$2,500 for each	
Manufacture or sale of false identification cards	First Violation Misdemeanor Subsequent Violation	NLT \$1,000 \$2,500 for each	
Carrying a false I.D. card	First Violation Summary Offense Subsequent Violation Misdemeanor	Up to \$500  Up to \$500 <i>Operator's license suspended</i>	30 days jail

#### Restrictions on Alcoholic Beverages

Offense	Penalty	Fine	Jail/Prison
The driver of any vehicle may not consume any alcoholic beverage or illegal drug	Summary Offense Operator's license suspensions First Offense Second Offense Third & Subsequent Offenses	Up to \$300 <i>Operator's license suspended</i>	Up to 30 days  90 days 1 year 2 years
Driving under the influence of alcohol or controlled substance	Misdemeanor Second Third Fourth	NLT \$300 NLT \$300-\$2,500 NLT \$500-\$5,000 NLT \$1,500-\$10,000	NLT 48 hours NLT 30 days NLT 90 days NLT 1 year
Homicide by vehicle while driving under the influence	Felony	Up to \$25,000 fine <i>Revocation of operating privileges</i>	NLT 3 years

Other violations include bringing alcoholic beverages into the state without paying Pennsylvania taxes and selling or offering for sale alcoholic beverages without a liquor license. Violations of these laws can result in fines imprisonment, and confiscation of vehicles.

\*NLT means not less than

### Illicit Drug Sanctions

Offense	Penalty	Fine	Jail/Prison
Possession of controlled or counterfeit substance	Misdemeanor	Up to \$5,000	Up to 1 year
Purchase of controlled substance	Misdemeanor	Up to \$5,000	Up to 3 years

### Manufacture, delivery, or possession by unauthorized person

Offense	Penalty	Fine	Jail/Prison
Narcotic drugs	Felony	Up to \$25,000	Up to 15 years
Methamphetamine-cocoa leaves, marijuana (in excess of \$1,000 pounds)	Felony	Up to \$100,000	Up to 10 years
Opiates-hallucinogenic substances, marijuana	Felony	Up to \$15,000	Up to 5 years
Barbiturates	Misdemeanor	Up to \$10,000	Up to 3 years
Codeine, morphine, atropine	Misdemeanor	Up to \$5,000	Up to 1 year
Possession of a small amount of marijuana for personal use (30 grams marijuana or 8 grams hashish)	Misdemeanor	Up to \$5,000	Up to 30 days
Use or delivery or drug paraphernalia	Misdemeanor	Up to \$2,500	Up to 1 year
Possession or distribution of "look alike drugs" having depressing or stimulating effect	Felony	Up to \$10,000	Up to 5 years
Manufacture, sale, or delivery, holding, offering for sale, or possession of any controlled substance that is altered or misbranded	Misdemeanor	Up to \$5,000	Up to 1 year
Trafficking drugs to minors within 1,000 feet of college, or university.	Felony		2 years imprisonment if a school

The term "controlled substance" as used in this policy means substances included in Schedules I through V as defined by Section 813 of Title 21 of the United States Code and as further defined by the code of Federal Regulations, 21 C.F.R. 1300.11 through 1300.15. The term does not include the use of a controlled substance pursuant to a valid prescription of other uses authorized by law.

The term "alcohol" as used in this policy means any product of distillation or a fermented liquid which is intended for human consumption.

### **Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance**

#### 21 U.S.C. 844 (a)

- First conviction: up to one year in prison and fined \$1,000 to \$100,000, or both.
- After one prior drug conviction: 15 days to two years in prison, and fined \$2,500 to \$250,000, or both.
- After two or more prior drug convictions: 90 days to 3 years in prison and fined \$5,000 to \$250,000 or both. Special sentencing provision for possession of crack cocaine: o Mandatory at least five years in prison, not to exceed 20 years and fined up to \$250,000 or both if: a) First conviction and amount of crack possessed exceeds 5 grams b) Second crack conviction and amount of crack possessed exceeds 3 grams c) Third or subsequent crack conviction and amount of crack possessed exceeds 1 gram.

#### 21 U.S.C. 853 (a) (2) and 881 (a) (7)

- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year of imprisonment (See special sentencing provision for crack.)

#### 21 U.S.C. 881 (a) (4)

- Forfeiture of vehicles, boats, aircrafts, or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844 a

- Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853 a

- Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

18 U.S.C. 922 (g)

- Ineligible to receive or purchase a firearm.

Miscellaneous

- Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

*Note: These are only federal penalties and sanctions. Additional state penalties and sanctions may apply.*

Federal Trafficking Penalties for Schedules I, II, III, IV, AND V (except Marijuana)				
Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. not more than life. If death or serious injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure 100-999 grams mixture	PCP 100 grams or more pure or 1 kilogram or more mixture		
Substance/Quantity		Penalty		
Any amount of other schedule I & II substances		<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.		
Any drug product containing gamma hydroxybutyric acid		<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (schedule IV) 1 gram				
Any amount of other schedule III drugs		<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
Any amount of all other schedule IV drugs (other than one gram or more of Flunitrazepam)		<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
Any amount of all schedule V drugs		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual		



<b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b>	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.  <b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100-999 kilograms marijuana mixture or 100 to 999 marijuana plants	<b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  <b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual  <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual
Hashish More than 10 kilograms	
Hashish Oil More than 1 kilogram	
Marijuana Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)  1 to 49 marijuana plants	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.  <b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

U.S. Drug Enforcement Administration website

[www.justice.gov/dea/druginfo/ftp\\_chart2.pdf](http://www.justice.gov/dea/druginfo/ftp_chart2.pdf)

# Policies on Hazing

## Anti-Hazing Policy

Saint Francis University has a zero tolerance policy relating to hazing. Hazing is considered a violation of the University's Anti-Hazing Policy and Student Code of Conduct and is absolutely prohibited. Hazing may also be considered a criminal offense in the Commonwealth of Pennsylvania.

Throughout the academic semesters, anti-hazing programming is offered for various groups on campus. These efforts are designed to educate the Saint Francis University community about hazing, the potential consequences or engaging in hazing and how to report incidents of suspected hazing.

Students and others are encouraged to report any and all incidents relating to hazing, that may jeopardize the health, safety and wellbeing of the members of the community, by contacting the Saint Francis Police at **814-472-3360** or the Office of Student Conduct at **814-472-3002**.

## Hazing is Defined as Follows

Any act likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity on the basis of actual or perceived membership in a protected class; Hazing is also illegal under Pennsylvania state law and prohibited by University policy.

## Hazing According to the Commonwealth of Pennsylvania

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property.

For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Therefore, any student who causes or participated in hazing may be subject to appropriate University discipline and/or subject to criminal prosecution.

## Myths About Hazing

- Hazing builds unity
- The new members want to be hazed
- I went through it, so they should do it to, its tradition
- I'll never get caught or turned in
- If they agree, then we're not hazing
- Hazing is the only method for holding new members accountable
- Hazing practices preserve the uniqueness and exclusiveness of the group
- Hazing continues because everyone in the group supports it
- Hazing only "a little bit" is not really that bad
- Enduring hazing is a sign of strength

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

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

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

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

- **Domestic Violence:**
  - i. A felony or misdemeanor crimes -
    - A. including the use or attempted use of physical or sexual abuse, or
    - B. a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a Complainant,
    - C. including verbal abuse, psychological abuse, economic abuse, or technological abuse that may or may not constitute criminal behavior,
    - D. on the basis of sex,
    - E. committed by a current or former spouse or intimate partner of the Complainant,
    - F. by a person with whom the Complainant shares a child in common, or
    - G. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
    - H. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or
    - I. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- **Definition of a Crime of Violence:** According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
  - i. An offense that has as an element of the use, attempted use, or threatened use of physical force against the person or property of another; or
  - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking (continued)

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B) Dating violence does not include acts covered under the definition of domestic violence.
  - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
  
- **Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - **Rape** is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - **Fondling** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking (continued)

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

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

- **Sexual Assault:** The state of Pennsylvania defines sexual assault as follows:
  - **Rape** — Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Statutory offenses (no force used —victim under age of consent) are excluded.
  - **Sex offenses** (except rape, prostitution, and commercialized vice) —Statutory rape, offenses against chastity, common decency, morals, and the like. Attempts are included.

**Domestic Violence/Abuse:** Pennsylvania law defines domestic abuse as knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in a repetitive conduct toward a certain person that puts them in fear of bodily injury. These acts can take place between family or household members, sexual partners or those who share biological parenthood in order to qualify as domestic abuse.

- **Dating Violence:** The state of Pennsylvania does not have a definition of dating violence.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking (continued)

**Stalking: Pennsylvania law defines stalking** when a person either:

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

- **Consent:** The state of Pennsylvania defines ineffective consent as:

- **Ineffective consent** — Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:
  - (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
  - (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
  - (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
  - (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

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

- **Rape Offense defined** — A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:
  - (1) By forcible compulsion;
  - (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
  - (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
  - (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
  - (5) Who suffers from a mental disability which renders the complainant incapable of consent.

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

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

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### **Saint Francis University's Definition of Consent as it Relates to Sexual Activity is as follows:**

Consent is informed, freely given and mutually understood. Consent requires an affirmative act or statement by each participant. If coercion, intimidation, threats and or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature or extent of the sexual situation, there is not consent; this includes conditions due to alcohol or drug consumption or being asleep or unconscious. Whether one has taken advantage of a position of influence over another may be a factor in determining consent.

### **Sexual Activity Requires Consent**

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. In the absence of an outward demonstration, consent does not exist. If at any time it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.

Consent to engage in sexual activity must be knowing and voluntary. Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in touching of the intimate parts or sexual intercourse. An individual should obtain consent before moving from one act to another.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.

Consent may be withdrawn by either party at any time. Withdrawal of consent must also be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

In the state of Pennsylvania, consent can never be given by minors under the age of 16.

Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. In addition, an individual is incapacitated if he/she/they demonstrate that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### **Saint Francis University's Definition of Consent as it Relates to Sexual Activity is as follows (continued):**

Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which he/she/they appear to be giving consent, but do not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other persons' level of intoxication. The relevant standard that will be applied is whether the Respondent knew, or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

### **How to Be an Active Bystander:**

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

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."<sup>1</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>2</sup> of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call University Police at (814) 472-3360 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

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

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<sup>1</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>2</sup> Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse



# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### Risk Reduction

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### Risk Reduction (continued)

- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

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

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

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

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

- A. Clearly communicate that the institution prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act);
- B. Provide the definitions of domestic violence, dating violence, sexual assault, and stalking according to any applicable jurisdictional definitions of these terms;
- C. Define consent and describe what behaviors and actions constitute consent, in reference to sexual activity as defined by the student and employee codes of conduct;
- D. Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- E. Provide information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- F. Provide an overview of information contained in the Annual Security and Fire Safety Report in compliance with the Clery Act;
- G. Provide information regarding:
  1. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault, or stalking occurs (as described in "Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs" elsewhere in this Annual Report);
  2. how the institution will protect the confidentiality of victims and other necessary parties (as described in "Assistance for Victims: Rights and Options" elsewhere in this Annual Report);

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking (continued):**

3. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both in the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report); and
4. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this Annual Report);
5. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this Annual Report).

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### Primary Prevention and Awareness Programs:

The University provides primary prevention and awareness programs to all incoming students and employees that involves the distribution of educational materials to new students, participating in and presenting information and materials during new student and employee orientations, providing programs by invitation at staff meetings or academic programs. These trainings include:

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

### Ongoing Prevention and Awareness Campaigns:

The University provides an annual educational campaign for all students and employees designed to provide ongoing education and programming around issues of sexual violence – including sexual assault, domestic violence, dating violence, and stalking. Campaign strategies employed include face-to-face presentations, online training programs, printed materials, self-defense programming, and related lectures. The University additionally provides educational/ informational sessions for contractors and conference services staff on Clery Act-specific policies and crime reporting practices, along with information related to the Department of Education's Office of Civil Rights Title IX Guidance.

Ongoing prevention and awareness campaigns include self-defense programming; domestic violence month events and activities; sexual assault and awareness month, which includes presentations and an annual "Take Back the Night" event; relationship violence bystander intervention programming; programming specific to developing healthy relationships.

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

- **Orientation Programming**  
Incoming first year students participate in a series of information sessions about the Clery Act and Title IX information, in addition to learning about the Sexual Misconduct Policy, bystander intervention, and resources. New faculty and employees receive Clery Act and Title IX information during their orientation programs.
- **Extended Orientation Programming**
- **Equality – It Happened One Night** One Night is an original play about rape among friends. In the course of being entertained, audience members will have an opportunity to consider common misconceptions about rape. The program also covers: legal, medical, and community options available to rape victims, how drugs and alcohol are often used to increase vulnerability, risk-reduction techniques, and ways to support victims and work to end rape.
- **On line student educational program: eCHECKUP TO GO** Sexual Violence Prevention program contains information about dating violence, sexual assault, stalking, and domestic violence. It is designed to augment SFU campus's policies, procedures and programming to address the Campus SaVE Act requirements. This program is available for all students to complete. Course credit is given to all first year students to complete the assessment.
- **Bystander Intervention:** provide programming that defines sexual harassment and provides real life examples to increase understanding about consent. Content and interactive scenarios to identify signs of abusive behaviors and personalized strategies to prevent harm. The 5 steps research identifies as necessary to increase bystander intervention. Scenarios to build skill, confidence and

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

- plans to intervene. Steps to support victims of sexual violence. Students receive course credit for completing the program.
- Faculty and Staff on line training program trains employees on how to prevent workplace discrimination, retaliation, and harassment and how to recognize and respond to sexual misconduct involving students, including sexual assault, stalking, and intimate partner violence. The courses use higher education-specific content and scenarios that help people understand their role in maintaining a safe and unbiased work environment. Completion of this program is tied directly to cost of living raises for all employees
- Bystander Intervention: Representatives from the Women's Help Center and Victim services periodically offer programs to the entire University community, on Bystander Intervention, sexual assault and other related topics.
- Offers numerous hall programs throughout the year, relating to sexual assault and alcohol use. Each Resident Assistant is required to complete one alcohol education and Title IX program each semester
- Take Back the Night Week, this is a series of programs sponsored by the social work club, programs focus on the Title IX, sexual assault and domestic violence.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### **Procedures victims should follow if Domestic Violence, Dating Violence, Sexual Assault or Stalking Occurs:**

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

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring, or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or local police.

### **Involvement of Law Enforcement and Campus Authorities:**

Although the University strongly encourages all members of its community to report violations of this policy to University Police and to Pennsylvania State Police, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the Saint Francis University Police will assist any victim with notifying law enforcement if the victim so desires. The Pennsylvania State Police can be reached directly by calling Department may also be reached directly by calling (814) 471-6500 during normal business hours, or 911 during off hours or in emergency situations; or in person at the Pennsylvania State Police located at 100 Casale Ct, Ebensburg, PA 15931. Additional information about the Pennsylvania State Police department may be found online at <https://www.psp.pa.gov/>.

*NOTE: In the State of Pennsylvania, employees of institutions of higher learning who suspect incidents of child abuse (including incidents of suspected child sex abuse) must report such incidents to the Department of Public Welfare's Child Line (800-932-0313), the police having jurisdiction, and then to their supervisor. Pennsylvania recognizes matriculated students under the age of 18 as "children" for purposes of this law and, as such, the university is mandated to report a criminal complaint of abuse or sexual abuse involving any student victim under the age of 18 immediately to ChildLine and the police having jurisdiction. Law Enforcement authorities may notify the victim's parents or guardians as stipulated by law.*

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

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Director (office: 232 Padua Hall; phone: 814-472-3002) by calling, writing or coming into the office to report in person. Reports of all domestic violence, dating violence, sexual assault, and stalking made to Saint Francis University Police will automatically be referred to the Title IX Director for review. The Title IX Coordinator is not a confidential reporting entity and is required to report criminal incidents to University Police.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

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

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on- and/or off campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. This information is available to all Employees and Students via the Title IX website. Students and employees should contact the Title IX Coordinator (office: 232 Padua Hall; phone: 814-472-3002) by calling, writing, or coming into the office to report in person. The Title IX Coordinator will collaborate and coordinate with the Student Conduct Office for student cases and the Directors of Human Resources for employee cases.

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

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



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

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### **Facilitated Anonymous/ Confidential Reporting through the Counseling Center/University Health Center/Pastoral Counselors:**

Certified Counselors assigned to the Counseling Center, licensed medical staff assigned to the University Health Center and practicing pastoral counselors are confidential resources and do not report incidents. In their capacity and function, they do not make identifiable reports of incidents to the official on-campus resources unless the student specifically requests them to do so; however, the University encourages counselors to inform students that they can report incidents of crime to University Police, which can be done directly or anonymously. Students may request the Counseling Center to facilitate anonymous reporting using an internal form designed to capture general details about the incident (date, time, location, and brief description of the incident type) for inclusion in the University's Annual Security and Fire Safety Report. The University does not provide confidential or anonymous reporting outside of these entities. The amount of detail provided may enable the University to initiate an investigation into the circumstances surrounding the report. Such an investigation may jeopardize the anonymity of the reporting person or complainant.

The Cambria County Victims Service Counseling Center which is a 24 hour rape crisis hotline provides confidential reporting as well as Conemaugh Memorial Medical Center, located in Johnstown PA.

### **Employee Assistance Program:**

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

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

### **Assistance for Victims - Rights & Options:**

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

### **Such written information will include:**

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

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

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

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

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

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

- An order restraining the abuser from further acts of abuse;
- An order directing the abuser to leave the victim's household/place of residence;
- An order directing the abuser to refrain from stalking or harassing the victim or other designated persons;
- Other protections based on issues related to cohabitation, residency, employment, and child custody.

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

### **Protection from Abuse (PFA):**

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

These include:

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

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

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

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

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

### **Sexual Violence Protection Order (SVPO):**

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

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

### **Protection from Intimidation (PFI) Order:**

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

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

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

DPS will help put victims who are interested in pursuing a PFA, PSVI, or SVPO in contact with local courts or the local advocacy center of Survivors, Inc. Any student who obtains a protection order from Pennsylvania or any reciprocal State should provide a copy to DPS and the Office of Student Rights and Responsibilities. DPS will help facilitate the reporting of PFA violations to the local police.

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

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

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

### **Accommodations and Protective Measures Available for Victims:**

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

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

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

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

Students: Contact the Title IX Coordinator and/or the Student Conduct Office for assistance.

Employees/Faculty: Contact the Office of Human Resources and/or the Office of Vice President for Academic Affairs Office (depending upon employment status).

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

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### **Confidentiality:**

Victims may request that directory information on file with the University be withheld by request. This request can be made to the Registrar's Office in person by visiting the 318 Scotus Hall or by calling (814) 472-3009.

Employees can contact the Office of Human Resources to make a similar request regarding directory information at (814) 472-3264.

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

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

### **On- and Off-campus Services for Victims:**

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

These resources include the following:

On Campus	Employees	Students
Counseling/Mental Health		Saint Francis University (SFU) Counseling Center Phone: 814-472-3211 <i>*Confidential Resource</i> <i>(Can make recommendations for local confidential counseling and psychiatric services in the local area)</i>
Health Services		Saint Francis University (SFU) Health Services Office Phone: 814-472-3008 <i>*Confidential Resource</i>
Title IX Director	Title IX: 814-472-3002 Human Resources: 814-472-3264	Title IX: 814-472-3002
Visa and Immigration Assistance/International Student Support and Services		Assistant Director of International Student Services Phone: 814-472-3222
Student Financial Aid		Financial Aid Office Phone: 814-472-3010
Pastoral Counseling		Campus Ministry Phone: 814-472-2840 <i>*Confidential Resource</i>
University Police	Cambria County Emergency Center 911 Emergency Phone: 814-472-3360	Cambria County Emergency Center 911 Emergency Phone: 814-472-3360
Dean of Students		Vice President of Innovative Partnerships & Student Development Phone: 814-472-3002
Victim Advocacy	Cambria County Victim Service Counseling Center 814-288-4961 24-Hour-Rape-Crisis Hotline 1-800-755-1983	Cambria County Victim Service Counseling Center Phone 814-288-4961 24-Hour-Rape-Crisis Hotline Phone 1-800-755-1983
Office of Multicultural Engagement		Associate Dean of Students Phone: 814-472-3352
Sexual Misconduct Resource Site	<a href="https://www.francis.edu/titleix/">https://www.francis.edu/titleix/</a>	<a href="https://www.francis.edu/titleix/">https://www.francis.edu/titleix/</a>
Facilitated Anonymous Reporting	EthicsPoint 1-888-297-9325 or <a href="http://www.ethicspoint.com">www.ethicspoint.com</a>	A student can go to Student Health and University Counseling or the Campus Ministry to submit an anonymous report. The amount of detail provided in an anonymous report will determine the University's ability to investigate or respond. EthicsPoint 1-888-297-9325 or <a href="http://www.ethicspoint.com">www.ethicspoint.com</a>
Counseling/Mental Health	Employee Assistance (EAP) General Assistance: 855-775-4357 <a href="http://rsli.acieap.com">http://rsli.acieap.com</a> <i>*Confidential Resource</i>	
Health Services	Conemaugh Memorial Medical Center (24 hours) Phone: 814-534-9101	Conemaugh Memorial Medical Center (24 hours) Phone: 814-534-9101
Victim Advocacy	Cambria County Victim Service Counseling Center 814-288-4961 24-Hour-Rape-Crisis Hotline 1-800-755-1983	Cambria County Victim Service Counseling Center Phone 814-288-4961 24-Hour-Rape-Crisis Hotline Phone 1-800-755-1983
Pennsylvania State Police	Cambria County Emergency Center: 911	Cambria County Emergency Center: 911

# Violence Against Women (VAWA)

## SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

### Adjudication of Violations:

#### 1. Overview

Saint Francis University will act on any formal or informal notice/complaint of violation of the policy on Equal Opportunity, Harassment, and Non-discrimination (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority.

Procedure below applies only to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking as defined above) involving students, staff, administrator, or faculty members.

If other policies are invoked, such as policies on protected class harassment or discrimination above, please see Process B for a description of the procedures applicable to the resolution of such offenses. Process B can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within Process A, as determined by the Title IX Coordinator.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with federal or state compliance obligations.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures elaborated in the student, faculty, and staff handbooks.

#### 2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Saint Francis University needs to take.

Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint); and/or
- 3) A Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint).

Saint Francis University uses a Formal Grievance Process to determine whether or not the Policy has been violated. If so, Saint Francis University will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to harassment or discrimination, their potential recurrence, or their effects.

#### 3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator engages in an initial assessment, typically within one to five business days in duration. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
- If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.



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- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
- If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
  - If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, [which informal mechanism may serve the situation best or is available] and may seek to determine if the Respondent is also willing to engage in informal resolution.
  - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
    - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
      - an incident, and/or
      - a pattern of alleged misconduct, and/or
      - a culture/climate issue, based on the nature of the complaint.
    - If it does not, the Title IX Coordinator determines that Title IX does not apply and will “dismiss” that aspect of the complaint, if any, assesses which policies may apply, and refers the matter for resolution under Process B. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit Saint Francis University’s authority to address a complaint with an appropriate process and remedies.

### a. Violence Risk Assessment

In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Behavioral Intervention Team (BIT) as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:

- Emergency removal of a Respondent on the basis of immediate threat to physical health/safety;
- Whether the Title IX Coordinator should pursue/sign a formal complaint absent a willing/able Complainant;
- Whether to put the investigation on the footing of incident and/or pattern and/or climate;
- To help identify potential predatory conduct;
- To help assess/identify grooming behaviors;
- Whether it is reasonable to try to resolve a complaint through informal resolution, and what modality may be most successful;
- Whether to permit a voluntary withdrawal by the Respondent;
- Whether to impose transcript notation or communicate with a transfer Saint Francis University about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/Trespass border/Persona-non-grata is needed.

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Threat assessment is the process of evaluating the action ability of violence by an individual against another person or group following the issuance of a direct or conditional threat. A VRA is a broader term used to assess any potential violence or danger, regardless of the presence of a vague, conditional, or direct threat.

VRAs require specific training and are typically conducted by psychologists, clinical counselors, social workers, case managers, law enforcement officers, student conduct officers, or other BIT/CARE team members. A VRA authorized by the Title IX Coordinator should occur in collaboration with the BIT/CARE or threat assessment team. Where a VRA is required by the Title IX Coordinator, a Respondent refusing to cooperate may result in a charge of failure to comply within the appropriate student or employee conduct process.

A VRA is not an evaluation for an involuntary behavioral health hospitalization (e.g., 5150 in California, Section XII in Massachusetts, Baker Act in Florida), nor is it a psychological or mental health assessment. A VRA assesses the risk of actionable violence, often with a focus on targeted/predatory escalations, and is supported by research from the fields of law enforcement, criminology, human resources, and psychology.

More about Saint Francis University's process for VRA can be found below in Appendix E.

### **b. Dismissal (Mandatory and Discretionary)**

Saint Francis University must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy above, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by Saint Francis University (including buildings or property controlled by recognized student organizations), and/or Saint Francis University does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States; and/or
- 4) At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of Saint Francis University.

Saint Francis University may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
- 2) The Respondent is no longer enrolled in or employed by Saint Francis University; or
- 3) Specific circumstances prevent Saint Francis University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, Saint Francis University will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal below. [The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate.] A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

### **4. Counterclaims**

Saint Francis University is obligated to ensure that the grievance process is not abused for retaliatory purposes. Saint Francis University permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation, instead. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

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Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

### **5. Right to an Advisor**

The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor, as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Hearing Decision-maker.

Saint Francis University may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

#### **a. Who Can Serve as an Advisor**

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of Saint Francis University community.

The Title IX Coordinator will also offer to assign a trained Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Saint Francis University, the Advisor will be trained by Saint Francis University and be familiar with Saint Francis University's resolution process.

If the parties choose an Advisor from outside the pool of those identified by Saint Francis University, the Advisor may not have been trained by Saint Francis University and may not be familiar with Saint Francis University policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

#### **b. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Saint Francis University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Saint Francis University is not obligated to provide an attorney.

Where applicable under state law or Saint Francis University policy, Advisors or attorneys are permitted to fully represent their advisees or clients in resolution proceedings, including all meetings, interviews, and hearings.

Although Saint Francis University prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.

#### **c. Advisors in Hearings/Saint Francis University-Appointed Advisor**

Under U.S. Department of Education regulations under Title IX, a form of indirect questioning is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a hearing, Saint Francis University will appoint a trained Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor. If the party's Advisor will not conduct questioning, Saint Francis University will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the hearing.

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### **d. Advisor's Role in Meetings and Interviews**

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Saint Francis University cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Saint Francis University is not obligated to provide an attorney.

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Although Saint Francis University prefers to hear from parties directly, in these cases, parties are entitled to have evidence provided by their chosen representatives.

### **e. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and Saint Francis University's policies and procedures.

### **f. Advisor Violations of Saint Francis University Policy**

All Advisors are subject to the same Saint Francis University policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. [Advisors should not address Saint Francis University officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) except during a hearing proceeding, during indirect questioning.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

### **g. Sharing Information with the Advisor**

Saint Francis University expects that the parties may wish to have Saint Francis University share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

Saint Francis University also provides a consent form that authorizes Saint Francis University to share such information directly with their Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before Saint Francis University is able to share records with an Advisor.

### **h. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Saint Francis University.

Saint Francis University may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Saint Francis University's privacy expectations.

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### **i. Expectations of an Advisor**

Saint Francis University generally expects an Advisor to adjust their schedule to allow them to attend Saint Francis University meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Saint Francis University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

### **j. Expectations of the Parties with Respect to Advisors**

A party may elect to change during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

### **k. Assistance in Securing an Advisor**

Saint Francis University does not maintain a listing of local attorneys who may offer discounted or pro bono services.

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>),
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>

## **6. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Saint Francis University policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. Saint Francis University encourages parties to discuss any sharing of information with their Advisors before doing so.

### **a. Informal Resolution**

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, [including mediation, restorative practices, etc.], usually before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; similar to above, but usually occurs post-investigation; see discussion in c., below.

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**To initiate Informal Resolution**, a Complainant needs to submit a formal complaint, as defined above. A Respondent who wishes to initiate Informal Resolution, should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

Prior to implementing Informal Resolution, Saint Francis University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Saint Francis University. Saint Francis University will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

### **b. Alternate Resolution Mechanism**

Alternate Resolution is an informal process mechanism, including mediation or restorative practices, etc. by which the parties reach a mutually agreed upon resolution of an allegation is reached. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

### **c. Respondent Accepts Responsibility for Alleged Violations**

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Saint Francis University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Saint Francis University policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process will resume at the same point where it was paused. When a resolution is accomplished, the appropriate sanction or responsive

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actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

### **d. Negotiated Resolution**

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Saint Francis University. Negotiated Resolutions are not appealable.

## **7. Grievance Process Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. The list of Pool members and a description of the Pool can be found at [www.francis.edu/titleix.Pool](http://www.francis.edu/titleix.Pool).

### **a. Pool Member Roles**

Members of the Pool are trained annually, and can serve in in the following roles, at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in appropriate resolution modalities (e.g., mediation, restorative practices)
- To perform or assist with initial assessment
- To investigate complaints
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Decision-maker

### **b. Pool Member Appointment**

The Title IX Coordinator, in consultation with the President, appoints the pool, which acts with independence and impartiality. Although members of the Pool are typically trained in a variety of skill sets and can rotate amongst the different roles listed above in different cases, Saint Francis University can also designate permanent roles for individuals in the Pool, using others as substitutes or to provide greater depth of experience when necessary. This process of role assignment may be the result of particular skills, aptitudes, or talents identified in members of the Pool that make them best suited to particular roles.

### **c. Pool Member Training**

The Pool members receive annual training [jointly or based on their respective roles]. This training includes, but is not limited to:

- The scope of Saint Francis University’s Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility

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- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Saint Francis University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment, discrimination, and/or retaliation allegations
- Recordkeeping

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are Saint Francis University employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted.

### **d. Pool Membership**

Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

### **8. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Saint Francis University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Saint Francis University’s policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that Saint Francis University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,



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- A link to Saint Francis University's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, [mailed to the local or permanent address(es) of the parties as indicated in official Saint Francis University records], or emailed to the parties' Saint Francis University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

### **9. Resolution Timeline**

Saint Francis University will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **10. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

### **11. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process [including the Title IX Coordinator, Investigator(s), and Decision-maker(s)] may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with the University President or his designee.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Saint Francis University operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

### **12. Investigation Timeline**

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Saint Francis University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

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### 13. Delays in the Investigation Process and Interactions with Law Enforcement

Saint Francis University may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include, but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions.

Saint Francis University will communicate in writing the anticipated duration of the delay and reason to the parties, and provide the parties with status updates if necessary. Saint Francis University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Saint Francis University will implement supportive measures as deemed appropriate.

Saint Francis University action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### 14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps, if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant.
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures.
- Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated.
- Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation.
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties.
- Meet with the Complainant to finalize their interview/statement, if necessary.
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations.
  - o Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing, present for all meetings attended by the party.
- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings.
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible.
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose.
- Interview all available, relevant witnesses and conduct follow-up interviews as necessary.
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions.

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- Complete the investigation promptly and without unreasonable deviation from the intended timeline.
- Provide regular status updates to the parties throughout the investigation.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding.
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included.
- The Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report, as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Saint Francis University does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor).
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses.
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- The Investigator(s) shares the report with the Title IX Coordinator and/or legal counsel for their review and feedback.
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report.

### **15. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees of Saint Francis University are expected to cooperate with and participate in Saint Francis University's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Saint Francis University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s), though not preferred. If a witness submits a written statement but does not intend to be and is not present for cross examination (indirect questioning) at a hearing, their written statement may not be used as evidence.

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### **16. Recording of Interviews**

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of, and consent to, audio and/or video recording.

### **17. Evidentiary Considerations in the Investigation**

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### **18. Referral for Hearing**

Provided that the complaint is not resolved through Informal Resolution, once the final investigation report is shared with the parties, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation – when the final investigation report is transmitted to the parties and the Decision-maker – unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-makers depending on the context and nature of the alleged misconduct.

### **19. Hearing Decision-maker Composition**

Saint Francis University will designate a three-member panel from the Pool, at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the three members will be appointed as Chair by the Title IX Coordinator.

The Decision-maker(s) will not have had any previous involvement with the investigation. The Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the resolution hearing process in the event that a substitute is needed for any reason.

Those who have served as Investigators will be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair or designee.

### **20. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker(s) determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Saint Francis University uses a progressive discipline system. Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility.

This information is only considered at the sanction stage of the process, and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached.

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After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

### 21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and Saint Francis University will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.
- An invitation to each party to submit to the Chair an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Mobile phones/devices cannot be brought into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Saint Francis University and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this Policy is not in good standing to graduate.

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### **22. Alternative Hearing Participation Options**

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

### **23. Pre-Hearing Preparation**

The Chair, or hearing facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing. Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s) [or have proffered a written statement or answered written questions], unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair do not assent to the admission of evidence newly offered at the hearing, the Chair may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) at least five (5) business days in advance of the hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than one day prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair.

### **24. Pre-Hearing Meetings**

The Chair may convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share with each party their rationale for any exclusion or inclusion at this pre-hearing meeting.

The Chair, only with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant. The Chair may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in

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preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator, or ask either or both to attend pre-hearing meetings. The pre-hearing meeting(s) will not be recorded.

### **25. Hearing Procedures**

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of discrimination, harassment, and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Policy on Equal Opportunity, Harassment, and Non-discrimination.

Participants at the hearing will include the Chair, any additional panelists, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties or three (3) organizational representatives when an organization is the Respondent, Advisors to the parties, any called witnesses, the Title IX Coordinator, and anyone providing authorized accommodations or assistive services.

The Chair will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker(s) and the parties and the witnesses will then be excused.

### **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly. However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### **27. The Order of the Hearing – Introductions and Explanation of Procedure**

The Chair explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest. The Chair will rule on any such challenge unless the Chair is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Hearing facilitator then conducts the hearing according to the hearing script. At the hearing, recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by a non-voting hearing facilitator appointed by the Title IX Coordinator. The hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

### **28. Investigator Presents the Final Investigation Report**

The Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not, and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

Neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

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### **29. Testimony and Questioning**

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors (“cross-examination”).

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Chair to consider it (and state it if it has not been stated aloud), and the Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Chair may invite explanations or persuasive statements regarding relevance with the Advisors, if the Chair so chooses. The Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Chair has final say on all questions and determinations of relevance, subject to any appeal. The Chair may consult with legal counsel on any questions of admissibility. The Chair may ask Advisors to frame why a question is or is not relevant from their perspective, but will not entertain argument from the Advisors on relevance once the Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Chair should not permit irrelevant questions that probe for bias.

### **30. Refusal to Submit to Cross-Examination and Inferences**

If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement.

Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination.

The Decision-maker(s) may not draw any inference solely from a party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party’s Advisor of choice refuses to comply with Saint Francis University’s established rules of decorum for the hearing, Saint Francis University may require the party to use a different Advisor. If a Saint Francis University-provided Advisor refuses to comply with the rules of decorum, Saint Francis University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.



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### **31. Recording Hearings**

Hearings (but not deliberations) are recorded by Saint Francis University for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Saint Francis University will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

### **32. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence OR clear and convincing evidence standard of proof is used. The hearing facilitator will attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may – at their discretion – consider the statements, but they are not binding.

The Decision-maker(s) will review the statements and any pertinent conduct history provided by appropriate administrator and will determine the appropriate sanction(s) in consultation with other appropriate administrators, as required.

The Chair will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded in its determination, credibility assessments, and any sanctions.

This report is typically should not exceed three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

### **33. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. The Notice of Outcome will then be reviewed by legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within seven (7) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Saint Francis University records, or emailed to the parties' Saint Francis University-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Saint Francis University from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Saint Francis University is permitted to share such information under state or federal law; any sanctions issued which Saint Francis University is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Saint Francis University's educational or employment program or activity, to the extent Saint Francis University is

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permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Saint Francis University to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

### **34. Statement of the Rights of the Parties**

The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Saint Francis University officials.

- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Saint Francis University officials.
- The right to have Saint Francis University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Saint Francis University officials from reporting sexual misconduct harassment, discrimination, and/or discrimination retaliation to both on-campus and off-campus authorities.
- The right to be informed by Saint Francis University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Saint Francis University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Saint Francis University law enforcement and/or other Saint Francis University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a Saint Francis University-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - o Relocating an on-campus student's housing to a different on-campus location
  - o Assistance from Saint Francis University staff in completing the relocation

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- o Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
- o Transportation accommodations
- o Visa/immigration assistance
- o Arranging to dissolve University housing contract and a pro-rated refund
- o Exam, paper, and/or assignment rescheduling or adjustment
- o Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
- o Transferring class sections
- o Temporary withdrawal/leave of absence (may be retroactive)
- o Campus safety escorts
- o Alternative course completion options.
- The right to have Saint Francis University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Saint Francis University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Saint Francis University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have Saint Francis University compel the participation of faculty and staff witnesses.

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- The right to the use of the preponderance of the evidence which is the appropriate standard of evidence at Saint Francis University, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefore the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by Saint Francis University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Saint Francis University.
- The right to a fundamentally fair resolution as defined in these procedures.

### 35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decision-maker(s)

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

#### a. Student Sanctions

The following are the general sanctions that usually may be imposed upon students or organizations singly or in combination:

- **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any Saint Francis University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- **Required Counseling:** A mandate to meet with and engage in either Saint Francis University-sponsored or external counseling to better comprehend the misconduct and its effects.
- **Probation:** A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from athletic practice/competition, exclusion from organizational

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leadership roles, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate. Saint Francis reserves the right to remove any scholarship dollars associated with any activity in cases where exclusions are put in practice.

- Suspension: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Saint Francis University.
- Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Saint Francis University-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript.
- Revocation of Degree: Saint Francis University reserves the right to revoke a degree previously awarded from Saint Francis University for fraud, misrepresentation, and/or other violation of Saint Francis University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including Saint Francis University registration) for a specified period of time. Saint Francis University reserves the right to remove any university funding or funding as the result of Student Activity Fees from any student organization found in violation of policy.
- Other Actions: In addition to or in place of the above sanctions, Saint Francis University may assign any other sanctions as deemed appropriate.

### b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Loss/Denial of Annual Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Reassignment
- Delay of tenure track progress
- Assignment to new supervisor
- Restriction of stipends, research, and/or professional development resources
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, Saint Francis University may assign any other sanctions as deemed appropriate.

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### 36. Withdrawal or Resignation While Charges Pending

#### a. Students

If a student has an allegation pending for violation of the Policy on Equal Opportunity, Harassment, and Non-discrimination, Saint Francis University may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from Saint Francis University, the resolution process ends, as Saint Francis University no longer has disciplinary jurisdiction over the withdrawn student. However, Saint Francis University will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Saint Francis University. Such exclusion applies to all campuses of Saint Francis University. A hold will be placed on their ability to be readmitted. They may also be barred from Saint Francis University property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Saint Francis University unless, and until, all sanctions have been satisfied.

#### b. Employees

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Saint Francis University no longer has disciplinary jurisdiction over the resigned employee. However, Saint Francis University will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Saint Francis University or any campus of Saint Francis University, and the records retained by the Title IX Coordinator will reflect that status.

All Saint Francis University responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### 37. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within three (3) days of the delivery of the Notice of Outcome.

An Appeal Decision-maker will be designated by the Title IX Coordinator. No appeal panelists will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process. The Request for Appeal will be forwarded to the Appeal Decision maker for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

#### a. Grounds for Appeal

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) The Title IX Coordinator, Investigator(s), or Decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Decision-maker and the parties and their Advisors will be notified in writing of the denial and the rationale.

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If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Decision-maker will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given seven (7) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Decision-maker to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Decision-maker and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in seven (7) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Decision-maker will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be forwarded to the Appeal Decision-maker, who will render a decision in no more than seven (7) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence.

A Notice of Appeal Outcome will be sent to all parties simultaneously, including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Saint Francis University is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Saint Francis University is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Saint Francis University-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

### **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

Saint Francis University may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

### **c. Appeal Considerations**

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).

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- The Appeal Decision-maker may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). When appeals result in no change to the finding or sanction, that decision is final. When an appeal results in a new finding or sanction, that finding or sanction can be appealed one final time on the grounds listed above and in accordance with these procedures.
- In rare cases where a procedural [or substantive] error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed. The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Saint Francis University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### 38. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, discrimination, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by Saint Francis University to the Respondent to ensure no effective denial of educational access.

Saint Francis University will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Saint Francis University's ability to provide these services.

### 39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Saint Francis University. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX coordinator.



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### 40. Recordkeeping

Saint Francis University will maintain for a period of at least seven years' records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Saint Francis University's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Saint Francis University will make these training materials publicly available on Saint Francis University's website. (Note: If Saint Francis University does not maintain a website, Saint Francis University must make these materials available upon request for inspection by members of the public.); and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to Saint Francis University's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Saint Francis University will also maintain any and all records in accordance with state and federal law.

### 41. Disabilities Accommodations in the Resolution Process

Saint Francis University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Saint Francis University's resolution process.

Anyone needing such accommodations or support should contact the Director of Disability Services or the appropriate HR individual if an employee, who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

### 42. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated annually by the Title IX Coordinator. Saint Francis University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate, effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings. This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

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### **For Non Qualifying allegations of Sexual Harassment under Title IX:**

Saint Francis will act on any formal or informal notice/complaint of a violation of the policy on Equal Opportunity, Harassment and Non-Discrimination that is received by the Title IX Coordinator or any other official with authority by applying these procedures known as Process A. For allegations of Sexual Harassment that do not qualify under Process A, the procedures described below apply to all allegations of harassment or discrimination on the basis of protected class status involving students, staff, faculty members, or third parties, with the exception of at-will employees. These procedures may also be used to address collateral misconduct arising from the investigation of, or occurring in conjunction with, harassing or discriminatory conduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by this policy will be addressed through the procedures elaborated in the respective student, faculty, and staff handbooks.

### **1. Initial Assessment**

Following intake, receipt of notice, or a complaint of an alleged violation of Saint Francis University's non-discrimination Policy, the Title IX Coordinator engages in an initial assessment, which is typically one to five business days in duration. The steps in an initial assessment can include:

- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive response or an Administrative Resolution.
  - o If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes and then seeks to facilitate implementation. The Administrative Resolution process is not initiated, though the Complainant can elect to initiate it later, if desired.
  - o If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, [which informal mechanism may serve the situation best or is available] and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
  - o If Administrative Resolution is preferred, the Title IX Coordinator initiates the investigation process and determines whether the scope of the investigation will address:
    - Incident, and/or
    - A potential pattern of misconduct, and/or
    - A culture/climate issue.
- In many cases, the Title IX Coordinator may determine that a Violence Risk Assessment (VRA) should be conducted by the Saint Francis University Behavioral Intervention Team as part of the initial assessment. A VRA can aid in ten critical and/or required determinations, including:
  - o Interim suspension of a Respondent who is a threat to health/safety;
  - o Whether the Title IX Coordinator should pursue Administrative Resolution absent a willing/able Complainant;
  - o Whether to put the investigation on the footing of incident and/or pattern and/or climate;
  - o To help identify potentially predatory conduct;
  - o To help assess/identify grooming behaviors;
  - o Whether a Complaint is amenable to Informal Resolution, and what modality may be most successful;
  - o Whether to permit a voluntary withdrawal by the Respondent;
  - o Whether to impose transcript notation or communicate with a transfer Saint Francis University about a Respondent;

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- o Assessment of appropriate sanctions/remedies;
- o Whether a Clery Act Timely Warning/Trespass order/Persona-non-grata is needed.

More about Saint Francis University's process for VRA can be found in Appendix D.

Based on the initial assessment, Saint Francis University will initiate one of two responses:

- Informal Resolution – typically used for less serious offenses and only when all parties agree to Alternate Resolution, or when the Respondent is willing to accept responsibility for violating policy. This can also include a remedies-only response.
- Administrative Resolution – investigation of policy violation(s) and recommended finding, subject to a determination by the Title IX Coordinator and the opportunity to appeal to an Appeal Decision-maker.

The investigation and the subsequent Administrative Resolution determine whether the non-discrimination policy has been violated. If so, Saint Francis University will promptly implement effective remedies designed to end the discrimination, prevent recurrence, and address the effects. The process followed considers the preference of the parties but is ultimately determined at the discretion of the Title IX Coordinator. At any point during the initial assessment or formal investigation, if the Title IX Coordinator determines that reasonable cause does not support the conclusion that policy has been violated, the process will end, and the parties will be notified. The Complainant may request that the Title IX Coordinator review the reasonable cause determination and/or re-open the investigation. This decision lies in the sole discretion of the Title IX Coordinator, but the request is usually only granted in extraordinary circumstances.

### 2. Resolution Process Pool

The resolution processes rely on a pool of officials ("Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this Policy to all students and their parents/guardians, employees, prospective students, and prospective employees. The list of members and a description of the Pool can be found at [www.francis.edu/titleix](http://www.francis.edu/titleix). Members of the Pool are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To provide sensitive intake for and initial advice pertaining to the allegations
- To act as optional process Advisors to the parties
- To facilitate Informal Resolution
- To investigate allegations
- To serve as a Decision-maker
- To serve as an Appeal Decision-maker

The Title IX Coordinator, in consultation with the President, carefully vets Pool members for potential conflicts of interest or disqualifying biases and appoints the Pool, which acts with independence and impartiality.

Pool members receive annual training organized by the Title IX Coordinator, including a review of Saint Francis University policies and procedures as well as applicable federal and state laws and regulations so that they are able to appropriately address allegations, provide accurate information to members of the community, protect safety, and promote accountability. The Pool members receive annual training jointly OR specific to their role. This training includes, but is not limited to:

- The scope of Saint Francis University's Discrimination and Harassment Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements

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- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- Types of evidence
- Deliberation
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Saint Francis University with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially, by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used
- Issues of relevance of questions and evidence
- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and discrimination allegations

Specific training is also provided for Appeal Decision-makers, intake personnel, and Advisors. All Pool members are required to attend this annual training. Pool members are usually appointed to three-year terms. Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

### 3. Counterclaims

Counterclaims by the Respondent may be made in good faith but are also sometimes made for purposes of retaliation. Saint Francis University is obligated to ensure that any process is not abused for retaliatory purposes. Saint Francis University permits the filing of counterclaims, but uses the initial assessment, described above in the Policy section, to assess whether the allegations are made in good faith. If they are, the allegations will be processed using the resolution procedures below, typically after resolution of the underlying allegation. A delay in the processing of counterclaims is permitted, accordingly. Occasionally, allegations and counterclaims can be resolved through the same investigation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory, and may constitute a violation of this Policy.

### 4. Advisors

#### a. Expectations of an Advisor

Saint Francis University generally expects an Advisor to adjust their schedule to allow them to attend Saint Francis University meetings when planned, but Saint Francis University may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. Saint Francis University may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available. Parties whose Advisors are disruptive or who do not abide by Saint Francis University policies and procedures may face the loss of that Advisor and/or possible Policy violations. Advisors are expected to consult with their advisees without disrupting Saint Francis University meetings or interviews. Advisors do not represent parties in the process; their role is only to advise.

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### **b. Expectations of the Parties with Respect to Advisors**

Each party may choose an Advisor who is eligible and available to accompany them throughout the process. The Advisor can be anyone, including an attorney, but should not be someone who is also a witness in the process. A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigators of the identity of their Advisor at least two (2) business days before the date of their first meeting with the Investigator(s) (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Investigator(s) and/or the Title IX Coordinator if they change Advisors at any time.

Upon written request of a party, Saint Francis University will copy the Advisor on all communications between Saint Francis University and the party. The Advisor may be asked to sign a non-disclosure agreement (NDA) regarding private, sensitive records.

At the discretion of the Title IX Coordinator, more than one Advisor may be permitted to the parties, upon request. For equity purposes, if one party is allowed another Advisor, the other party must be allowed one as well.

### **c. Assistance in Securing an Advisor**

Saint Francis University provides Advisors in the resolution process. Parties are not obligated to use an Advisor provided by Saint Francis University.

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>)

Complainants may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association
- The times up legal defense fund: <https://nwlc.org/times-up-legal-defense-fund/>

## **5. Resolution Options**

Proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accord with Saint Francis University Policy.

While there is an expectation of privacy around what is discussed during interviews, the parties have discretion to share their own experiences with others if they so choose, but are encouraged to discuss with their Advisors first before doing so.

### **a. Informal Resolution**

Informal Resolution is applicable when the parties voluntarily agree to resolve the matter through Alternate Resolution [mediation, restorative practices, etc.], or when the Respondent accepts responsibility for violating Policy, or when the Title IX Coordinator can resolve the matter informally by providing remedies to resolve the situation.

It is not necessary to pursue Informal Resolution first in order to pursue Administrative Resolution, and any party participating in Informal Resolution can stop the process at any time and request the Administrative Resolution process. Further, if an Informal Resolution fails after the fact, Administrative Resolution may be pursued.

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### ***i. Alternate Resolution***

Alternate Resolution is an informal process, such as mediation or restorative practices, by which the parties mutually agree to resolve of an allegation is reached. It may be used for less serious, yet inappropriate, behaviors and is encouraged as an alternative to the Administrative Resolution process (described below) to resolve conflicts. The parties must consent to the use of Alternate Resolution.

The Title IX Coordinator determines if Alternate Resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to Alternate Resolution.

In an Alternate Resolution meeting, a trained administrator facilitates a dialogue with the parties to an effective resolution, if possible. Institutionally-imposed sanctions are not possible as the result of an Alternate Resolution process, though the parties may agree to accept sanctions and/or appropriate remedies.

The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution can result in appropriate enforcement actions.

Alternate Resolution is not typically the primary resolution mechanism used to address reports of violent behavior of any kind or in other cases of serious violations of policy, though it may be made available after the Administrative Resolution process is completed should the parties and the Title IX Coordinator believe it could be beneficial. The results of Alternate Resolution are not appealable.

### ***ii. Respondent Accepts Responsibility for Alleged Violations***

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent accepts responsibility, the Title IX Coordinator makes a determination that the individual is in violation of Saint Francis University Policy.

The Title IX Coordinator then determines appropriate sanction(s) or responsive actions, which are promptly implemented in order to effectively stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the conduct, both on the Complainant and the community.

If the Respondent accepts responsibility for all of the alleged policy violations and the Title IX Coordinator or designee has determined appropriate sanction(s) or responsive actions, which are promptly implemented, the process is over. The Complainant will be informed of this outcome.

If the Respondent accepts responsibility for some of the alleged policy violations and the Title IX Coordinator has determined appropriate sanction(s) or responsive actions, which are promptly implemented for those violations, then the remaining allegations will continue to be investigated and resolved. The Complainant will be informed of this outcome. The parties are still able to seek Alternate Resolution on the remaining allegations, subject to the stipulations above.

### ***iii. Negotiated Resolution***

The Title IX Coordinator, with the consent of the parties, may negotiate and implement any agreement to resolve the allegations that satisfies all parties and Saint Francis University.

## **b. Administrative Resolution**

Administrative Resolution can be pursued for any behavior for which the Respondent has not accepted responsibility that constitutes conduct covered by the Equal Opportunity, Harassment, and Non-discrimination Policy at any time during the process. Administrative Resolution starts with a thorough, reliable, and impartial investigation.

If Administrative Resolution is initiated, the Title IX Coordinator will provide written notification of the investigation to the parties at an appropriate time during the investigation. Typically, notice is given [at least 48 hours] in advance of an interview. Advanced notice facilitates the parties' ability to identify and choose an Advisor, if any, to accompany them to the interview.

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Notification will include a meaningful summary of the allegations, will be made in writing, and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Saint Francis University records, or emailed to the parties' Saint Francis University-issued or designated email account.

Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The notification should include the policies allegedly violated, if known at the time. Alternatively, the policies allegedly violated can be provided at a later date, in writing, as the investigation progresses, and details become clearer.

Saint Francis University aims to complete all investigations within a sixty (60) business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties as appropriate.

Once the decision is made to commence an investigation, the Title IX Coordinator appoints Pool members to conduct the investigation (typically using a team of two Investigators), usually within two (2) days of determining that an investigation should proceed.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no conflicts of interest or disqualifying bias.

The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Investigator will be assigned and the impact of the bias or conflict, if any, will be remedied. If the bias or conflict relates to the Title IX Coordinator, concerns should be raised with the University President.

Investigations are completed expeditiously, normally within 10-20 business days, though some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Saint Francis University will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

Saint Francis University may undertake a short delay in its investigation (several days to weeks, to allow evidence collection) when criminal charges based on the same behaviors that invoke Saint Francis University's resolution process are being investigated by law enforcement. Saint Francis University will promptly resume its investigation and resolution process once notified by law enforcement that the initial evidence collection process is complete. Saint Francis University action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

Investigations involve interviews with all relevant parties and witnesses, obtaining available, relevant evidence, and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.

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### 6. Investigation

The Investigators typically take the following steps, if not already completed, not necessarily in this order:

- Determine the identity and contact information of the Complainant
- In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
- Identify all policies implicated by the alleged misconduct
- Assist the Title IX Coordinator with conducting an initial assessment to determine if there is reasonable cause to believe the Respondent has violated policy
- If there is insufficient evidence to support reasonable cause, the process is closed with no further action
- Commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all parties and witnesses
- Meet with the Complainant to finalize their statement, if necessary
- Prepare the initial Notice of Investigation and Allegation (NOIA) on the basis of the initial assessment. Notice may be one step or multiple steps, depending on how the investigation unfolds, and potential policy violations may be added or dropped as more is learned. Investigators will update the NOIA accordingly and provide it to the parties.
- Notice should inform the parties of their right to have the assistance of a Pool member as a process Advisor appointed by Saint Francis University, or other Advisor of their choosing, present for all meetings attended by the advisee
- When formal notice is being given, it should provide the parties with a written description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result
- Give an instruction to the parties to preserve any evidence that is directly related to the allegations
- Provide the parties and witnesses with an opportunity to review and verify the Investigator's summary notes from interviews and meetings with that specific party or witness
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- Interview all relevant individuals and conduct follow-up interviews, as necessary
- Allow each party the opportunity to suggest questions they wish the Investigator(s) to ask of the other party and witnesses
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, summarize for the parties the list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation and all evidence
- Provide parties with a copy of the draft investigation report when it is completed, including all relevant evidence, analysis, credibility assessments, and recommended finding(s)
- Provide each party with a full and fair opportunity to respond to the report in writing within 7 days and incorporate that response into the report
- Investigators may choose to respond in writing in the report to the responses of the parties, and/or to share the responses between the parties for their responses, while also ensuring that they do not create a never-ending feedback loop
- Share the report with the Title IX Coordinator or legal counsel for review and feedback.



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- Provide the final report to the Title IX Coordinator. Final report will include all evidence gathered, assess, and synthesize without making a finding, conclusion, determination, or recommendation.

### **7. Determination**

Within three days of receiving the Investigator's recommendation, the Title IX Coordinator or a trained, designated Decision-maker from the Pool, reviews the report and all responses, and then makes the final determination on the basis of the preponderance of the evidence.

If the record is incomplete, the Title IX Coordinator/Decision-maker may direct a re-opening of the investigation, or may direct or conduct any additional inquiry necessary, including informally meeting with the parties or any witnesses, if needed.

The Title IX Coordinator or Decision-maker may invite and consider impact statements from the parties if and when determining appropriate sanction(s), if any.

The Title IX Coordinator then timely provides the parties with a written Notice of Outcome to include findings, any sanction(s), and a detailed rationale, delivered simultaneously (without undue delay) to the parties.

### **8. Additional Details of the Investigation Process**

#### **a. Witness responsibilities**

Witnesses (as distinguished from the parties) who are faculty or staff of Saint Francis University are expected to cooperate with and participate in Saint Francis University's investigation and resolution process. Failure of a witness to cooperate with and/or participate in the investigation or resolution process constitutes a violation of Policy and may be subject to discipline.

#### **b. Remote processes**

Parties and witnesses may be interviewed remotely by phone, video conferencing, or similar technologies if the Investigator(s) or Decision-maker determine that timeliness or efficiency dictates a need for remote interviewing. Witnesses may also provide written statements in lieu of interviews, or respond to questions in writing, if deemed appropriate by the Investigator(s), though this approach is not ideal. Where remote technologies are used, Saint Francis University makes reasonable efforts to ensure privacy, and that any technology does not work to the detriment of any party or subject them to unfairness.

#### **c. Recording**

No unauthorized audio or video recording of any kind is permitted during the resolution process.

#### **d. Evidence**

Any evidence that is relevant and credible may be considered, including an individual's prior misconduct history as well as evidence indicating a pattern of misconduct. The process should exclude irrelevant or immaterial evidence and may disregard evidence lacking in credibility or that is improperly prejudicial.

#### **e. Sexual history/patterns**

Unless the Title IX Coordinator determines it is appropriate, the investigation and the finding do not consider: (1) incidents not directly related to the possible violation, unless they evidence a pattern; (2) the sexual history of the parties (though there may be a limited exception made with regard to the sexual history between the parties); or (3) the character of the parties.

#### **f. Previous allegations/violations**

While previous conduct violations by the Respondent are not generally admissible as information supporting the current allegation, the Investigator(s) may supply the Title IX Coordinator with information about previous good faith allegations and/or findings, when that information suggests potential pattern and/or predatory conduct. Saint Francis University uses a progressive discipline system. Previous disciplinary action of any kind involving the Respondent may be considered in determining the appropriate sanction(s).

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### **g. Character witnesses**

Neither the Title IX Coordinator nor the Investigator(s) will meet with character witnesses, but the Investigator(s) may accept up to two (2) letters supporting the character of each of the parties. Such letters must be provided to the Investigator(s) prior to the report being finalized; otherwise, the parties have waived their right to provide such letters.

### **h. Notification of outcome**

If the Respondent admits to the violation(s), or is found in violation, the Title IX Coordinator [in consultation with other administrators as appropriate] determines sanction(s) and/or responsive actions, which are promptly implemented in order to effectively to stop the harassment, discrimination, and/or retaliation; prevent its recurrence; and remedy the effects of the discriminatory conduct, both on the Complainant and the community. The Title IX Coordinator informs the parties of the determination within two to three business days of the resolution, ideally simultaneously, but without significant time delay between notifications. Notifications are made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Saint Francis University records; or emailed to the parties' Saint Francis University-issued or designated email account. Once mailed, emailed, and/or received in-person, notice is presumptively delivered.

The Notification of Outcome specifies the finding for each alleged policy violation, any sanction(s) that may result which Saint Francis University is permitted to share pursuant to state or federal law, and the rationale supporting the essential findings to the extent Saint Francis University is permitted to share under state or federal law.

The notice will detail when the determination is considered final and will detail any changes that are made prior to finalization.

Unless based on an acceptance of violation by the Respondent, the determination may be appealed by either party. The Notification of Outcome also includes the grounds on which the parties may appeal and the steps the parties may take to request an appeal of the findings. More information about the appeal procedures can be found in section 11 below.

## **9. Sanctions**

Factors considered when determining any sanction(s)/responsive action(s) may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Title IX Coordinator

The sanction(s) will be implemented as soon as is feasible. The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken, or sanctions imposed by outside authorities.

### **a. Student Sanctions**

The following are the sanctions that may be imposed upon students or student organizations singly or in combination:

- Warning: A formal statement that the behavior was unacceptable and a warning that further infractions of any Saint Francis University policy, procedure, or directive will result in more severe sanctions/responsive actions.

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- Probation: A written reprimand for violation of Saint Francis University Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any Saint Francis University policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- Suspension: Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Saint Francis University.
- Expulsion: Permanent termination of student status, revocation of rights to be on campus for any reason or attend Saint Francis University-sponsored events.
- Withholding Diploma and/or Official Transcripts: Saint Francis University may withhold a student's diploma and/or official transcripts for a specified period of time, and/or deny a student participation in commencement activities, if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Degree: Saint Francis University reserves the right to revoke a degree previously awarded from Saint Francis University for fraud, misrepresentation, or other violation of Saint Francis University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including Saint Francis University registration), for a specified period of time.
- Other Actions: In addition to or in place of the above sanctions, Saint Francis University may assign any other sanctions as deemed appropriate.

### **b. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination
- Other Actions: In addition to, or in place of the above sanctions, Saint Francis University may assign any other sanctions as deemed appropriate.

### **10. Withdrawal or Resignation While Charges Are Pending**

Students: Saint Francis University does not permit a student to withdraw if that student has an allegation pending for violation of the policy on Equal Opportunity, Harassment, and Non-discrimination. Saint Francis University may place a hold, bar access to an official transcript, and/or prohibit graduation as necessary to permit the resolution process to be completed.

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Employees: Should an employee resign with unresolved allegations pending, the records of the Title IX Coordinator will reflect that status, and any Saint Francis University responses to future inquiries regarding employment references for that individual will include the former employee's unresolved status.

### 11. Appeals

All requests for appeal consideration must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written finding of the Title IX Coordinator or Decision-maker. Any party may appeal the findings only under the grounds described below.

An Appeal Decision-maker chosen from the Pool will be designated by the Title IX Coordinator from those who have not been involved in the process previously. Any party may appeal, but appeals are limited to the following grounds:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, failure to correctly apply the evidentiary standard).
- To consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed fall outside the range of sanctions Saint Francis University has designated for this offense and the cumulative record of the Respondent.

When any party requests an appeal, the Title IX Coordinator will share the appeal request with the other party(ies) or other appropriate persons such as the Investigator(s), who may file a response within three (3) business days. The other party may also bring their own appeal on separate grounds.

If new grounds are raised, the original appealing party will be permitted to submit a written response to these new grounds within three (3) business days. These responses or appeal requests will be shared with each party. The Appeal Decision-maker will review the appeal request(s) within five (5) business days of completing the pre-appeal exchange of materials. If grounds are not sufficient for an appeal, or the appeal is not timely, the Appeal Decision-maker/dismisses the appeal.

When the Appeal Decision-maker finds that at least one of the grounds is met by at least one party, additional principles governing the review of appeals include the following:

- Decisions by the Appeal Decision-maker are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is compelling justification to do so.
- Appeals are not intended to be full re-hearings (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the investigation and pertinent documentation regarding the grounds for appeal.
- An appeal is not an opportunity for the Appeal Decision-maker to substitute their judgment for that of the original Investigator(s) or Title IX Coordinator/Decision-maker merely because they disagree with the finding and/or sanction(s).
- Appeals granted based on new evidence should normally be remanded to the Investigator(s) for reconsideration. Other appeals should be remanded at the discretion of the Appeal Decision-maker.
- Sanctions imposed as the result of Administrative Resolution are implemented immediately unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
  - o for students: Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal.

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- All parties will be informed in writing within seven (7) business days of the outcome of the appeal without significant time delay between notifications, and in accordance with the standards for Notice of Outcome as defined above.
- Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand.
- In rare cases when a procedural or substantive error cannot be cured by the original Investigator(s) and/or Title IX Coordinator/Decision-maker (as in cases of bias), the Appeal Decision-maker may recommend a new investigation and/or Administrative Resolution process, including a new resolution administrator.
- The results of a new Administrative Resolution process can be appealed once, on any of the three applicable grounds for appeals.
- In cases in which the appeal results in Respondent's reinstatement to Saint Francis University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

### 12. Long-Term Remedies/Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement long-term remedies or actions with respect to the parties and/or the campus community to stop the harassment, discrimination, and/or retaliation; remedy its effects; and prevent its reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, long-term remedies may also be provided to the Complainant, even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedial requirements owed by Saint Francis University to the Respondent.

### 13. Failure to Complete Sanctions/Comply with Interim and Long-term Remedies/ Responsive Actions

All Respondents are expected to comply with conduct sanctions, responsive actions, and corrective actions within the timeframe specified by the Title IX Coordinator.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/responsive/corrective action(s), including suspension, expulsion, and/or termination from Saint Francis University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

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### 14. Recordkeeping

In implementing this policy, records of all allegations, investigations, resolutions, and hearings will be kept indefinitely, or as required by state or federal law or institutional policy, by the Title IX Coordinator in the Title IX case database.

### 15. Statement of the Rights of the Parties

The right to an equitable investigation and resolution of all credible allegations of prohibited harassment or discrimination made in good faith to Saint Francis University officials.

- The right to timely written notice of all alleged violations, including the identity of the parties involved (if known), the precise misconduct being alleged, the date and location of the alleged misconduct (if known), the implicated policies and procedures, and possible sanctions.
- The right to timely written notice of any material adjustments to the allegations (e.g., additional incidents or allegations, additional Complainants, unsubstantiated allegations) and any attendant adjustments needed to clarify potentially implicated policy violations.
- The right to be informed in advance of any public release of information regarding the allegation(s) or underlying incident(s), whenever possible.
- The right not to have any personally identifiable information released to the public without consent provided, except to the extent permitted by law.
- The right to be treated with respect by Saint Francis University officials.
- The right to have Saint Francis University policies and procedures followed without material deviation.
- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence.
- The right not to be discouraged by Saint Francis University officials from reporting sexual misconduct harassment, discrimination, and/or discrimination retaliation to both on-campus and off-campus authorities.
- The right to be informed by Saint Francis University officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option(s) to be assisted by Saint Francis University authorities in notifying such authorities, if the party so chooses. This also includes the right not to be pressured to report, as well.
- The right to have allegations of violations of this Policy responded to promptly and with sensitivity by Saint Francis University law enforcement and/or other Saint Francis University officials.
- The right to be informed of available interim actions and supportive measures, such as counseling; advocacy; health care; student financial aid, visa, and immigration assistance; or other services, both on campus and in the community.
- The right to a Saint Francis University-implemented no-contact order [or a no-trespass order against a non-affiliated third party] when a person has engaged in or threatens to engage in stalking, threatening, harassing, or other improper conduct that presents a danger to the welfare of the party or others.
- The right to be informed of available assistance in changing academic, living, and/or working situations after an alleged incident of discrimination, harassment, and/or retaliation, if such changes are reasonably available. No formal report, or investigation, either campus or criminal, needs to occur before this option is available. Such actions may include, but are not limited to:
  - o Relocating an on-campus student's housing to a different on-campus location
  - o Assistance from Saint Francis University staff in completing the relocation

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- o Changing an employee's work environment (e.g., reporting structure, office/workspace relocation)
- o Transportation accommodations
- o Visa/immigration assistance
- o Arranging to dissolve University housing contract and a pro-rated refund
- o Exam, paper, and/or assignment rescheduling or adjustment
- o Receiving an incomplete in, or a withdrawal from, a class (may be retroactive)
- o Transferring class sections
- o Temporary withdrawal/leave of absence (may be retroactive)
- o Campus safety escorts
- o Alternative course completion options.
- The right to have Saint Francis University maintain such actions for as long as necessary and for supportive measures to remain private, provided privacy does not impair Saint Francis University's ability to provide the supportive measures.
- The right to receive sufficiently advanced, written notice of any meeting or interview involving the other party, when possible.
- The right to ask the Investigator(s) and Decision-maker(s) to identify and question relevant witnesses, including expert witnesses.
- The right to provide the Investigator(s)/Decision-maker(s) with a list of questions that, if deemed relevant by the Investigator(s)/Chair, may be asked of any party or witness.
- The right not to have irrelevant prior sexual history or character admitted as evidence.
- The right to know the relevant and directly related evidence obtained and to respond to that evidence.
- The right to fair opportunity to provide the Investigator(s) with their account of the alleged misconduct and have that account be on the record.
- The right to receive a copy of the investigation report, including all factual, policy, and/or credibility analyses performed, and all relevant and directly related evidence available and used to produce the investigation report, subject to the privacy limitations imposed by state and federal law, prior to the hearing, and the right to have at least ten (10) business days to review the report prior to the hearing.
- The right to respond to the investigation report, including comments providing any additional relevant evidence after the opportunity to review the investigation report, and to have that response on the record.
- The right to be informed of the names of all witnesses whose information will be used to make a finding, in advance of that finding, when relevant.
- The right to regular updates on the status of the investigation and/or resolution.
- The right to have reports of alleged Policy violations addressed by Investigators, Title IX Coordinators, and Decision-maker(s) who have received relevant annual training.
- The right to a Hearing Panel that is not single-sex in its composition.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to petition that any Saint Francis University representative in the process be recused on the basis of disqualifying bias and/or conflict of interest.
- The right to have an Advisor of their choice to accompany and assist the party in all meetings and/or interviews associated with the resolution process.
- The right to have Saint Francis University compel the participation of faculty and staff witnesses.

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- The right to the use of the preponderance of the evidence which is the appropriate standard of evidence at Saint Francis University, to make a finding after an objective evaluation of all relevant evidence.
- The right to be present, including presence via remote technology, during all testimony given and evidence presented during any formal grievance hearing.
- The right to have an impact statement considered by the Decision-maker(s) following a determination of responsibility for any allegation, but prior to sanctioning.
- The right to be promptly informed in a written Notice of Outcome letter of the finding(s) and sanction(s) of the resolution process and a detailed rationale therefor of the decision (including an explanation of how credibility was assessed), delivered simultaneously (without undue delay) to the parties.
- The right to be informed in writing of when a decision by Saint Francis University is considered final and any changes to the sanction(s) that occur before the decision is finalized.
- The right to be informed of the opportunity to appeal the finding(s) and sanction(s) of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by Saint Francis University.
- The right to a fundamentally fair resolution as defined in these procedures.

### 16. Disabilities Accommodation in the Resolution Process

Saint Francis University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the resolution process at Saint Francis University. Anyone needing such accommodations or support should contact:

- For students the Accessibilities Coordinator
- For employees, Human Resources

They will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

### Employee Discipline

Responsive actions for an employee who has engaged in harassment, discrimination and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay and termination.

**Failure to Complete Conduct Sanctions.** All students, as members of the University community, are expected to comply with conduct sanctions within the time frame specified by the Hearing Officer. Failure to complete sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions and/or suspension from the University. In the event of a suspension, it will only be lifted when compliance with conduct sanctions is satisfactorily achieved. This determination will be made by the Associate Dean of Students (or designee).

### Sex Offender Registry and Access to Related Information

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

In the Commonwealth of Pennsylvania, information regarding registered sex offenders who are subject to community notification may be obtained from a community member's respective local municipal police agency and/or the Pennsylvania State Police.



# Fire Safety Report

## Fire Safety Information

Fire education programs are provided to all Residence Life Staff members and other groups on campus upon request. The Residence Life Staff and Occupational Therapy students are trained on the proper use of fire extinguishers. This training is offered all members of the Saint Francis community upon request.

Students should immediately report any fires regardless of the size by activating one of the pull stations and after evacuating the building to a safe area, by contacting the University Police at **814-472-3360**. Along with reporting all active fires, students should also report all finding of an extinguished fire to the University Police at **814-472-3360**. Students are strongly encouraged to report any problems with the fire protection systems (fire extinguishers, pulls stations, fire doors or horns/strobes) to their Resident Assistant assigned to their building, Residence Life Office at **814-472-3029** or the University Police Department at **814-472-3360**.

## Residence Hall Fire Safety

All 10 residence halls on campus and 11 off campus apartment-style buildings, which are part of the University's Housing Apartment Transition Program (HATP) are nonsmoking environments. Every building which houses University students are equipped with both smoke detectors and fire extinguishers.

Other fire safety features in University residential units include:

- Fire Extinguishers (Residence Halls and HATP units)
- Smoke/Heat Detectors (on campus buildings)
- Smoke (all HATP units)
- CO2 Detectors (HATP units that require one)
- Sprinkler Systems (almost all, on campus residential buildings)

## On Campus Residential Housing Fire & Safety

All residence halls at Saint Francis are equipped with fire protection systems. Each residence hall has pull stations, smoke/heat detectors, horns or strobes, evacuation plans and fire extinguishers. While Christian, Saint Joan, Amici, Giles, Saint Louis, Saint Elizabeth, Saint Agnes, Saint Clare and Saint Francis Halls are also equipped with a sprinkler system. If a fire alarm is activated, it will automatically notify the on duty officer with the location of the alarm, along with notifying the Cambria County 911 Center which will dispatch all appropriate personnel. All of the University owned or operated apartment-style living units are outfitted with both smoke detectors and fire extinguishers.

Students are required to read and comply with the Student Code of Conduct, Student Handbook and/or the housing contract., which includes health and safety inspections and all other set guidelines and rules for residential buildings. Throughout each semester periodic room inspections are performed, which include but are not limited to, a visual inspection of electrical cords/power strips, damages, etc. In addition, each room is examined for the presence of items, which were outlined in the housing contract as prohibited items, they include:

- Toaster ovens
- Space heaters
- Smoking of any kind
- Halogen lamps
- Open coiled appliances
- Internal combustion engines
- Harmful/explosive chemicals
- Candles

# Fire Safety Report

## **Fire Drill and Evacuation Procedures**

Periodic fire drills will be conducted, in accordance with Pennsylvania state law, all must participate completely during any emergency drill. The following evacuation procedures must be followed at Saint Francis University. Students must evacuate the building when an alarm sounds.

Before leaving, students should do the following:

- If in a room, feel the door, if feels hot, the hallway may be filled with deadly gases. Do not open the door, but go to the window and wait for rescue. If the door is cool, close the windows before slowly opening the door.
- Do not stop to dress, but take a pair of shoes, a jacket or blanket. Upon leaving the room, leave the lights on and the door closed. Take your room key. Knock on the other students' doors on each side of the hall to be sure that others are aware of the fire before evacuating.

If it is not possible to leave the room:

- Open the windows if there is smoke in the room; if there is not smoke, leave the window closed to prevent outside smoke from being drawn into the room.
- Seal cracks around the door with towels (damp if possible)
- If trapped, attract attention by hanging an object from the window (the brighter the color the better) and wait by the window for help. If outside smoke is drawn in, close the windows, leaving the object hanging. Don't panic, help will come quickly.
- If smoke is severe, place a wet cloth over your mouth and nose. Remember, there is usually less smoke near the floor.

When evacuating:

- Walk at a brisk pace, do not run
- Follow the proposed corridor instructions for the proper exit route and assembly point
- Move in a single file along the wall toward the exit
- Use only the marked exits. Remain silent so that you can hear instructions
- If the exit lights are out, do not panic. Proceed cautiously to find the nearest exit route or, if necessary, return to your room
- Remain outside until you are instructed to return to the building by a University official. In the event that reentry to the hall is not possible, everyone will be instructed to go to another assembly point for more information.

## **Furniture**

All furniture and mattresses supplied by the University meet the requirements of Cal Tech 133 and Cal Tech 117. These measurements are standards used throughout the combustibility requirements of residential furnishings.

## **Disabled Persons**

Any person(s) with disabilities who require assistance evacuating a building should notify the Saint Francis University Police Department, along with the Residence Life Office and the Director of Student Accessibility so that an evacuation assistance plan can be established, amongst University departments and the Loretto Fire Department.

# Fire Safety Report

## **Fire Extinguishers**

There is a fire extinguisher located in all hallways and common areas throughout all of the residential buildings, which are owned and/or operated by Saint Francis University. The extinguishers are to be used by emergency responders and trained University personnel only. Do not attempt to fight a fire with a fire extinguisher unless you have been properly trained on the proper use of the equipment. If you discover a small fire and the alarm fails to sound, go to the nearest pull station to activate the alarm manually and evacuate the building.

Fire extinguishers are inspected annually by a third party vendor to make sure they are functioning correctly. They are then maintained by the University Police Department monthly to assure proper locations and charge.

## **Plans for Future Improvements in Fire Safety**

Saint Francis University continually evaluates their fire protection systems in residential facilities. Upgrades to the system occur through replacements or building renovations.

Current planning and education include:

- Adding sprinkler systems to the remainder of the residence halls
- Establishing a Fire Safety Program for University students, faculty and staff members to learn proper fire safety

## **FIRE SAFETY TIPS**

- If you suspect a fire, pull the nearest fire alarm in the hallway or near an exit door
- When you hear the building's fire alarm sounding, evacuate the building immediately
- Evacuate any building on campus by following the posted EXIT signs. Do not attempt to use elevators during emergencies unless you are directed by emergency response personnel.
- If you are disabled, call the University Police, Residence Life Office and the Director of Student Accessibility so that an evacuation assistance plan can be established.

**2023 Saint Francis University Fire Safety Systems in Residential Buildings**

Building	Fire Alarm Monitoring by Outside Agency	Full *1 Sprinkler System	Smoke *2 Detectors	Fire Extinguishers	Evacuation Plans and Exit Signs	Number of Evacuations (Fire Drills) each calendar year ****	Strobe Lights *3	Audible Tones *3	Fire Doors *4
Saint Joan Hall	X	X	X	X	X	6	X	X	X
Saint Agnes Hall	X	X	X	X	X	6	X	X	X
Saint Elizabeth Hall	X	X	X	X	X	6	X	X	X
Saing Clare Hall	X	X	X	X	X	6	X	X	X
Saing Francis Hall	X	X	X	X	X	6	X	X	X
Giles Hall	X	X	X	X	X	6	X	X	X
Amici Hall	X	X	X	X	X	6	X	X	X
Saint Louis Hall	X	N/A	X	X	X	6	X	X	X
Ave Maria Hall	X	N/A	X	X	X	6	X	X	X
Christian Hall	X	X	X	X	X	6	X	X	X
Pineview Apartments	N/A	N/A	X	X	N/A	2	N/A	N/A	N/A
Bach Honors House	X	X	X	X	X	6	X	X	X
Eastgate Hall	X	N/A	X	X	N/A	6	X	X	N/A
Spalding Cottage	N/A	N/A	X	X	N/A	2	N/A	N/A	N/A
Roundstone Cottage	N/A	N/A	X	X	N/A	2	N/A	N/A	N/A
HATP Apartments	N/A	N/A	X	X	N/A	2	N/A	N/A	N/A
Kappie House	N/A	N/A	X	X	N/A	2	N/A	N/A	N/A
Leadership House	N/A	N/A	X	X	N/A	2	N/A	N/A	N/A

- \*1- Full is defined as having the system in both the common areas and individual rooms
- \*2- Common area only
- \*3- All common areas with the exception of designated handicapped rooms
- \*4- All doors with the exception of bathroom doors
- \*\*\*\* All are unannounced to residents

# 2020 SAINT FRANCIS UNIVERSITY ANNUAL FIRE STATISTICS REPORT

Residence Facility Name/Address	Total Number of Fires			Fire Number			Date of Fire			Cause of Fire			Number of Injuries that Required Treatment at a Medical Facility			Number of Deaths Related to a Fire			Value of Property Damage Caused by a Fire (\$)					
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022			
	<b>First-Year Residential Facilities</b>																							
Saint Agnes Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Saint Clare Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Saint Francis Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Giles Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
<b>Upperclassman Residential Facilities</b>																								
Saint Joan Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Saint Elizabeth Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Arnici Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Saint Louis Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Ave Maria Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Christian Hall	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
<b>HATP</b>																								
East Gate Hall, 212 Saint Joseph Street, Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
F.J.S.H. Residence, 150 Saint Peters Street, Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Phi Delta Kappa House, 105 St. Elizabeth St, Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
130 Saint Joseph Street, Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Bach Honors House, 230 St. Joseph St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Private SFU (Leadership), 220 St. Joseph St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Private SFU Residence, 158 St. Joseph St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Pine View Terrace Apts., 138 St. Joseph St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Lower Pine View Apts St. Catherine St. Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Private SFU Residence, 180 St. Elizabeth ., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Private SFU Residence, 180 St. Mary's St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Private SFU Residence, 144 St. Peters St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Private SFU Residence, 275 St. Joseph St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Private SFU Residence, 246 St. Joseph St., Loreto, PA 15940	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0

# Transportation and Parking

## **Saint Francis University Shuttle Service**

Whether you are in need of a ride to local shopping destinations or local transportation depots, we're happy to help! The Center for Student Engagement coordinates the Transportation Services program at Saint Francis University. Various services are offered to SFU students, including regularly scheduled shuttles to area transportation depots, weeknight shopping, non-emergency medical transportation, and much more!

Students can arrange for shuttle service to area transportation hubs for bus, train, or airports to get back and forth from home during breaks or on weekends. Shuttles regularly services both the Johnstown/Cambria County Airport and the Altoona-Blair County Airport for flights, along with the Altoona Transportation Center for Amtrak train and Greyhound bus. Shuttles are also offered to the Pittsburgh International Airport. Low standard rates are charged for students who utilize regularly-scheduled shuttles. Students who desire a more customized service outside the regular schedule are subject to a premium rate.

Visit the Center for Student Engagement (located on the upper floor of the JFK Center), call for additional information at **814-472-3305**, or email your questions/concerns to [studentlife@francis.edu](mailto:studentlife@francis.edu).

## **Shuttle Policies**

The following policies are set-forth by the Center for Student Engagement and are intended to help maintain an efficient, safe, and reliable service for students

- Transportation/shuttle services are available only to full-time SFU students. The service is available to and from the Saint Francis University campus only.
- Anyone utilizing the shuttle service must register to reserve a seat by completing a shuttle reservation form at the Center for Student Engagement office at least four business days prior to the scheduled shuttle. At the time of reservation, students will need to provide personal contact information and transportation information including time of departure and/or arrival time.
- There is a limited amount of space for seating; therefore, luggage is limited to one piece of luggage and one carry-on or backpack per person.
- The Center for Student Engagement is NOT responsible for booking/coordinating other travel arrangements such as bus, train, or flights, OR any lodging accommodations.
- The scheduled shuttle services will be the only shuttles provided by Saint Francis University. For individual requests that fall outside of our schedule, students will be assessed a premium rate.
- ALL shuttles are subject to change or cancellation per weather/road conditions and availability of authorized drivers. The Center for Student Engagement coordinates all transportation services with the Department of University Police and strictly follows their recommendation regarding the release of any shuttles.
- It is the students' responsibility to check their email for shuttle instructions and confirmation. Transportation requests made after deadlines may not be able to be accommodated.
- On the day of travel, please arrive at the JFK Center Front Lobby at least 10 minutes prior to shuttle departure time. When departing campus, the van will not be able to hold the departure time for those who are not ready to leave at the scheduled time. The departure time from campus is set to accommodate other travelers and cannot be delayed for any reason. If a student misses the shuttle, it will be the student's responsibility to locate and obtain alternate transportation to and from campus. Saint Francis University or the Center for Student Engagement will not be responsible for any additional costs incurred *if a student misses the train/bus/flight for any reason*. This would include inclement weather and traffic delays.

*All transportation services are contingent upon the availability of university authorized vehicles and drivers.*

# Transportation and Parking

## Non-Emergency Medical Transports

Students who schedule doctor, dentist or eye appointments can request a shuttle transport to Ebensburg, Altoona or Johnstown for a small fee. Request your transportation needs immediately after you've scheduled your appointment to arrange a vehicle and driver. All non-emergency medical appointment transports will use the Standard Service rates. Contact the Center for Student Engagement to arrange for your non-emergency medical transport by dialing **814-472-3005** or by emailing us at [studentlife@francis.edu](mailto:studentlife@francis.edu).









## Enterprise CarShare Program

We've partnered with Enterprise Rent-A-Car and their exciting CarShare program that provides students access to safe, reliable Enterprise vehicles for a low hourly rate. Cars are available 24/7, and the hourly fees include fuel and physical damage/liability protection. So, now you can go “where you want, when you want” cheaply and independently!

## Saint Francis Parking Policy

- The operation of a motor vehicle on Saint Francis University property is a PRIVILEGE granted by the University and is not an inherent right of any faculty/staff member or student.
- All vehicles shall be operated or parked on campus at the owner’s risk. The University is not responsible for damage to or theft from any vehicle while parked on campus.
- The issuance of a parking permit shall constitute acceptance by the applicant to obey all parking and traffic policies of the University and motor vehicle laws of the Commonwealth of Pennsylvania.
- The loss of a registration permit must be reported to the University Police Office within 24 hours. There is a \$10 charge for a replacement parking permit.

## Assigned Parking Areas on Campus

STUDENT LOTS		
PURPLE		UPPER JFK & BACK HALF OF LOWER JFK
PURPLE/WHITE		DESIGNATED OFF CAMPUS AREAS & JFK
GREEN		SCHWAB, LOWER JFK & LOWER STOKES
YELLOW		LOWER CHRISTIAN, UPPER CHRISTIAN & LOUIS
BLUE		HONORS HOUSE
ORANGE		TREELINE
EMPLOYEE LOTS		
RED		FACULTY & STAFF, SCHWAB, MOUNTAIN VIEW UPPER STOKES, LOWER STOKES & JFK
WHITE		LOT/SPACE AS ASSIGNED

## SPECIAL EVENT PARKING RESTRICTIONS

The University reserves the right to impose limitations on parking in emergencies or on special occasions. For major events being held at the Stokes complex or DeGol Field, administrators, staff members, and students will be asked to find alternate parking for the day.

## ADDITIONAL INFORMATION

To receive more information on the parking rules and regulations at Saint Francis University:

- Contact university Police located in the Small Development Resource Center 2299 Manor Drive or **814-472-3360**
- Online at [www.francis.edu/Campus-Safety-and-Health/](http://www.francis.edu/Campus-Safety-and-Health/) here you will be able to view the all the current parking rules and regulations, along with all fees and fines.

# Transportation and Parking

## **Walking Safely**

Safety is a shared responsibility for all road users, including drivers and pedestrians. The following are some tips to improve road safety for everyone.

### **Safety Tips for Pedestrians**

#### **Be safe and be seen: make yourself visible to drivers**

- Wear bright/light colored clothing and reflective materials.
- Carry a flashlight when walking at night.
- Cross in a well-lit area at night.
- Stand clear of buses, hedges, parked cars or other obstacles before crossing so drivers can see you.

#### **Be smart and alert: avoid dangerous behaviors**

- Always walk on the sidewalk; if there is no sidewalk, walk facing traffic.
- Stay sober; walking while impaired increases your chance of being struck.
- Don't assume vehicles will stop; make eye contact with drivers, don't just look at the vehicle. If a driver is on a cell phone, they may not be paying enough attention to drive safely.
- Don't rely solely on pedestrian signals; look before you cross the road.
- Be alert to engine noise or backup lights on cars when in parking lots and near on-street parking spaces.

#### **Be careful at crossings: look before you step**

- Cross streets at marked crosswalks or intersections, if possible.
- Look left, right, and left again before crossing a street.
- Watch for turning vehicles; make sure the driver sees you and will stop for you.
- Look across ALL lanes you must cross and visually clear each lane before proceeding. Just because one motorist stops, do not presume drivers in other lanes can see you and will stop for you.
- Don't wear headphones or talk on a cell phone while crossing.

*Remember always be alert while walking on campus and crossing the street, especially at night.*



# Tips for a Safer Campus

## **When Walking or Running:**

- Carry a whistle or personal alarm that would make a loud sound to get the attention of others in the area
- Always go with someone
- Stay away from isolated areas on and around campus
- Stay in well-lit, well-traveled areas. Walk in the middle of the sidewalk between curbs and buildings, staying away from low laying trees and bushes
- Hold your purse, backpack and briefcase tightly and close to your body
- Keep your wallet in a front pocket, which is safer than your back pocket

## **If You're Being Followed:**

- Cross the street or change directions
- Keep looking back, so the person(s) know you can't be surprised
- Go to a well-lit area. Enter a building anywhere or anywhere else there are people
- Notice and remember as much as possible about the person, so you can give a good description
- When arriving at a safe location, immediately contact the Saint Francis University Police Department and report the incident

## **Where You Live:**

- Keep your door locked both day and night
- Don't let strangers' in
- Never prop doors open, especially fire doors, even for a short period of time

## **Protect Personal and University Property:**

- Lock your door every time you leave
- Engrave expensive items and valuables with a unique marking
- Don't attach your Saint Francis ID card or any other identification to your key chain
- Don't leave your belongings (books, laptops, gym bags, backpacks, coats, purses, etc.) unattended in the library, hallway, classroom, study area, etc.
- Don't tell anyone if you have a large amount of cash or other valuables in your room or on your person.

## **BUILDING AT NIGHT:**

- If you work late, keep your office door locked
- Call the Saint Francis Police to be escorted to or from your campus destination
- Lock all doors behind you when entering or exiting at night

## **PROTECT YOUR CAR:**

- Always lock your car and take the keys with you
- Always keep your valuables out of sight or lock them in the trunk
- Park in well-lit areas

# Tips for a Safer Campus

## **IF DRIVING:**

- Have your keys ready when walking to your vehicle
- Always check your back seat before getting into your car
- Keep doors locked while driving
- Don't offer a ride to anyone you do not know

## **BE AWARE:**

- Attend safety workshops and seminars held by the University Police Department, Residence Life or other groups on campus.
- Always report suspicious activity
- Get to know your neighbors and pay attention to who is coming and going from the hallway or the buildings
- If you see a suspicious person or vehicle on campus never approach them, stay at a safe distance and gather as much information about the person(s) or vehicle. If possible contact University Police immediately to report the incident.

Never hesitate to contact the Saint Francis University Police Department at **814-472-3360**, when you have any safety concerns



# The Saint Francis University Campus



- Administration**
- 21 Admissions Parking
- 27 Public Health/Instruments Office
- Athletics**
- 4 To Immigration Self Course
- 9 Practice Soccer/Soccer Field
- 10 Soccer Game Field
- 11 Maurice Stokes Athletic Center/DeGuz Avaya
- 12 Track Throws Area
- 19 DeGuz Field's: Bocce Track
- 33 DeGuz Field House
- General Campus**
- 1 Main Campus Entrance
- 3 Conarty Day Center
- 5 Small Business Development Center
- 7 Spalding College
- 8 John P. Murray Rural Tree/Leath Research Center
- 17 JPK Student Center
- 23 ProQuests Library/CEMUSA
- 24 Oglethorpe Institute for Rural Health & Wellness
- 35 Sullivan Hall
- Five Arts Center**
- 28 Saint Joseph Service Center/Purchasing
- 29 Outreach Garage/Receiving
- 30 Scotia Hall
- 31 Office of the President
- 32 Schriever Hall
- 34 East Campus Entrance
- 41 Bell Tower
- 42 Southern Alleghenians Museum of Art
- Religious**
- 7 To Saint Francis Chapel & Gardens
- 37 Saint Francis Five Residence
- 39 Saint Francis Hall
- 40 Immaculate Conception Chapel
- 43 Franciscan Conventury
- 48 Our Lady of Lourdes Grotto, Napa Shrine, Stations of the Cross
- Revised Hall/University Public/Management Office**
- 44 Saint Joseph Shrine
- 45 Torvian Dining Hall
- 52 South Campus Entrance
- 53 Lake Saint Francis
- 55 Roundstone Cottage
- 56 Waterford Habitat Hall
- Visitor/Visitor Parking**
- 6 Visitor Parking
- 13 Commuter Parking
- 32 Visitor Parking
- Student Housing**
- 14 Saint Joan of Arc Hall
- 15 Saint Elizabeth Hall
- 16 Saint Agnes Hall
- 18 First Year Terrace Southhouses
- 20 Saint Olive Hall
- 26 East Oaks Hall
- 36 Saint Family Honors House
- 39 Saint Francis Hall
- 47 Olive Hall
- 49 Acad Hall
- 50 Saint Luke Hall
- 51 Ave Maria Hall
- 54 Christian Hall

# Active Threat Incident

## What to do:

- You should use your own discretion about when to engage a hostile suspect, for survival purposes
- Do not attempt to apprehend or stop the suspect, except for self protection
- Call 911 and advise them of the incident, stay on the line with the operator until they tell you it is okay to disconnect
- Call at Saint Francis University Police at **814-472-3360** to also report the incident. It is a good idea to program this number into your phone
- Report location of incident, number of suspects involved and a description if possible
- Make the determination of whether to run, hide or fight. Once you make that decision commit to it

## · **RUN:** If there is an escape route, attempt to evacuate.

- Evacuate whether others agree to or not
- Leave belongings behind
- Help others escape if possible
- Prevent others from entering the active area

## · **HIDE:** If evacuation is not possible, find a place to hide.

- Lock and/or barricade door
- Silence your cell phone
- Hide behind large objects
- Remain very quiet
- Your hiding place should be out of the suspect's view, provide protection from shots fired in your direction, and do not trap or restrict your options of movement

## · **FIGHT:** As a last resort and only if your life depends on it.

- Attempt to incapacitate the suspect
- Act with physical aggression
- Improvise weapons
- Commit to your actions

*Saint Francis University practices the U.S. Department of Homeland Security's "Active Shooter, How to Respond" protocol and procedures*

**IMPORTANT EMERGENCY PHONE NUMBERS FOR SAINT FRANCIS UNIVERSITY**

**Saint Francis University Police Department**

3360 or 814-472-3360

**Student Health**

3008 or 814-472-3008

**Counseling Center**

3211 or 814-472-3211

**Title IX Office**

3352 or 814-472-3352

**Office of Residence Life**

3029 or 814-472-3029

**LORETTO BOROUGH/CAMBRIA COUNTY EMERGENCY PHONE NUMBERS**

(off campus)

**Loretto Borough Police**

814-472-0661 or 911

**Pennsylvania State Police**

814-471-6500 or 911

**Cambria Alliance EMS**

814-886-5641 or 911

**Cambria County 911 Center**

911 or 814-472-2100 (non-emergency)

**Victim Service of Johnstown**

814-288-4961

**Women's Help Center**

814-536-5361

**Conemaugh Memorial Medical Center**

814-534-9000

**Pennsylvania Department of Public Welfare**

**ChildLine for abuse reporting**

1-800-932-0313

# Why this Brochure?

## **IT'S THE LAW**

Both federal and state law mandate that Saint Francis University make this report available to all students, faculty, staff and prospective students/parents for review.

## **ANNUAL SECURITY AND FIRE REPORT**

This report goes above the state and federal requirements, by offering safety tips and other areas of information in order to benefit everyone in the Saint Francis University community. The information provided within will help everyone understand University policy's, along with identifying safety concerns/issues and crime prevention on campus.

Additional copies of the Annual Security and Fire Report are available by contacting the Saint Francis University Police Department, located in the Small Business Development Center 2299 Manor Drive, Loretto, PA 15940 or, you can visit [www.francis.edu/Campus-Safety-and-Health](http://www.francis.edu/Campus-Safety-and-Health)

## **RIGHT TO KNOW INFORMATION**

- Saint Francis University is responsible for complying with Chapter 3 of the Pennsylvania Uniform Crime Reporting Act and with the federal Jeanne Clery Act. If you have a question or concern regarding these acts, please contact the Police Captain at **814-472-3360**
- The federal Equity in Athletics Disclosure Act requires institutions of higher education, including Saint Francis University, to prepare an annual report relating to intercollegiate athletics participation, staffing, revenues, and expenses by men's and women's teams. Students, prospective students, and others may review Saint Francis University's report by going to <https://www.francis.edu/Student-Consumer-Information/>
- In accordance with federal Student Right to Know regulations, information about Saint Francis University's graduation rate is available by contacting the Office of Institutional Research and Effectiveness at **814-472-3331** or by visiting <https://www.francis.edu/Student-Consumer-Information/>