

# Wilkes University

**Wilkes-Barre Campus**

**Annual Security and Fire Safety Report**

**Calendar Year Jan. 1, 2025 - Dec. 31, 2025**

**PUBLISHED OCTOBER 1, 2026**



## ACCESSIBILITY TO INFORMATION AND NON-DISCRIMINATION STATEMENT

Wilkes University is committed to providing a welcoming environment for all members of our community and to ensuring that all educational and employment decisions are based on individuals' abilities and qualifications. Wilkes University prohibits discrimination in its educational programs, employment, admissions or any activities on the basis of race, color, national or ethnic origin, age, religion, disability, pregnancy, gender, gender identity and/or expression, sexual orientation, marital or family status, military or veteran status, genetic information, or any other characteristic protected under applicable federal, state or local laws.

Consistent with this principle, Wilkes University will comply with state and federal laws such as the Pennsylvania Human Relations Act or other applicable state law, Title IX, Title VI and Title VII of the Civil Rights Act, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, the Ethnic Intimidation Act of 1982 (P.L. 537-154) and other laws that prohibit discrimination.

As a recipient of federal financial assistance for education activities, Wilkes University is required by Title IX of the Education Amendments of 1972 to ensure that all of its education programs and activities do not discriminate on the basis of sex/gender, including in admissions and employment. Sexual harassment, sexual assault, dating and domestic violence, and stalking are forms of sex discrimination, which are prohibited under Title IX and this Policy.

All members and visitors of the Wilkes University community have the right to raise concerns or make a complaint regarding discrimination under this Policy without fear of retaliation. Inquiries about this Policy statement may be addressed to the University's Title IX Coordinator in person, by mail, by telephone, or by email, using the contact information listed below. A report may be made at any time (including during non-business hours). Anonymous complaints may also be made here: [www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx](http://www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx).

### Title IX Coordinator

Dr. Nicole Langan  
Max Roth Center 208  
Wilkes-Barre, PA 18766  
Phone: 570-408-4354  
[nicole.langan1@wilkes.edu](mailto:nicole.langan1@wilkes.edu)

Inquiries about Title IX may be directed to Wilkes University's Title IX Coordinator, the Assistant Secretary, or both. The Assistant Secretary can be contacted at U.S. Department of Education, Office of Postsecondary Education, 400 Maryland Avenue S.W., Washington, D.C. 20202, or (800) 421-3481. For further information on notice of non-discrimination, you can find the address and phone number of the OCR office that serves your area here: <https://ocrcas.ed.gov/contact-ocr> or call 1-800-421-3481.



### LETTER FROM THE CHIEF OF POLICE

As a public servant for the last 30 years, I have had the distinct pleasure to serve and protect those in the community I served in and abroad. I bring this same promise to those here at Wilkes University by delivering police services through respect to one another, honesty and fairness.

As police officers, we take an oath to protect and serve our communities. This is no easy task and at times challenging. This task requires everyone in our communities to be a part of the community. We accomplish this task by social engagement and community participation.

My sincere promise is to provide everyone that either works, studies lives or visits our campus. With this being said, I invite and encourage those that have an interest in our campus and those that may not have an interest in our campus to join us in our mission to keep our community safe.

Our mission is simple.

The mission of the Wilkes University Police Department is to serve the university community, protect life and property, educate, and enforce laws and campus procedures. The Wilkes University Police Department is committed to achieving the highest standards and professional integrity, performance, and service to the University Community. We are inspired by progressive and innovative ideas that work to achieve a safe and cohesive community.

The University Police Department will provide service to the university's students, faculty, and staff by inspiring confidence and trust in all public safety services to the campus community and their guest. The Wilkes University Police Department will inspire and preserve the public's confidence and trust in the department's disciplinary process. Our philosophy of leadership by command and supervision will ensure that all department operations and personnel are held to the highest moral and ethical standards.

Communication is vital to maintaining public trust. Communication is accomplished both verbally and non-verbally. Communication promotes cooperation and builds partnerships throughout the university community to promote a positive long-standing relationship with those we serve. Policing a community is a combined effort of police officers, students, faculty and staff. You are our eyes and our ears.

We strive to be a proactive police department by addressing community concerns and problems before they occur. This is accomplished by seeking input from the community and providing feedback. The public are our eyes and ears. We encourage you to report suspicious behavior. Your instincts guide you to report suspicious activity. We rely on your input and are responsive to our community's concerns and problems.

All too often, I believe society only engages with police when they need police services. This is common, but I encourage you to engage with my officers and, introduce yourself. You may have insight, talents or, suggestions to make our department more proficient

Our department remains committed to providing you with a safe and secure environment. We are guided by our strict policies and procedures when it comes to performing all duties in the spirit of fairness, intent of the law and departmental procedures.

Michael J. Krzywicki

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## IMPORTANT PHONE NUMBERS

### EMERGENCY: CALL 911

#### What is a 911 emergency?

It's any situation that requires an immediate police, fire, or medical response to preserve life or property. These can include:

- an assault or immediate danger of assault
- someone choking
- a crime in progress
- a drowning
- a fight
- a fire
- a serious injury or illness
- a situation involving weapons

#### Non-emergencies

|                                           |              |
|-------------------------------------------|--------------|
| Wilkes University Police Department ..... | 570-408-4377 |
| Wilkes-Barre Police Department .....      | 570-826-8106 |
| Wilkes-Barre Fire Department .....        | 570-208-4257 |

#### Local Hospitals

|                                            |              |
|--------------------------------------------|--------------|
| Commonwealth Health General Hospital ..... | 570-829-8111 |
| Geisinger North Hospital .....             | 570-826-7300 |
| Geisinger South Hospital .....             | 570-826-3100 |

#### Victim Services

|                                                  |              |
|--------------------------------------------------|--------------|
| Victims Resource Center .....                    | 570-823-0765 |
| Pennsylvania Coalition Against Rape (PCAR) ..... | 888-772-7227 |
| Domestic Violence Service Center .....           | 570-823-7312 |

#### University Offices

|                                    |              |
|------------------------------------|--------------|
| Title IX Coordinator .....         | 570-408-7788 |
| University Police Department ..... | 570-408-4999 |
| Health & Wellness Services.....    | 570-408-4730 |
| Human Resources.....               | 570-408-2034 |
| Student Affairs.....               | 570-408-4100 |
| Risk & Compliance.....             | 570-408-4554 |
| Housing & Residence Life.....      | 570-408-4350 |
| Admissions.....                    | 570-408-4400 |

#### Other Resources

|                                           |              |
|-------------------------------------------|--------------|
| National Domestic Violence Hotline .....  | 800-799-7233 |
| Women's Resource Center .....             | 800-257-5765 |
| Helpline of Northeastern PA .....         | 570-829-1341 |
| National Suicide Prevention Lifeline..... | 800-273-8255 |

## VAWA AND CAMPUS SAVE REQUIREMENTS

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4). Included in the bill was what is known as the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of **sexual violence, dating violence, domestic violence, and stalking**.

These statutory changes require institutions to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking. Additionally, institutions will be required to include certain policies, procedures, and programs pertaining to these crimes in their Annual Security & Fire Safety Reports.

Under section 304(b) of VAWA, the changes made by the new law “take effect with respect to the annual security report . . . prepared by an institution of higher education one calendar year after the date of enactment” of VAWA. Thus, the first Annual Security Report that must include the new required information is the report that must be issued by each institution by October 1. This report would include crime statistics from calendar years 2025, 2024, and 2023. These crime statistics are also reported to the Department of Education through the web-based data collection by October 1, 2025.

## TITLE IX

In incidents where someone is the victim of sex discrimination, sexual harassment or sexual violence, victims and third parties should contact Wilkes University's Title IX Coordinator or a deputy coordinator:

### Title IX Coordinator

Dr. Nicole Langan  
Max Roth Center 208  
Wilkes-Barre, PA 18766  
Phone: 570-408-4354  
[nicole.langan1@wilkes.edu](mailto:nicole.langan1@wilkes.edu)

### Deputy Title IX Coordinator

Dr. Jeanne Rabel  
Passan Hall, 3rd Floor  
Wilkes-Barre, PA 18766  
Phone: 570-408-5884  
[jeanne.rabel@wilkes.edu](mailto:jeanne.rabel@wilkes.edu)

## The Wilkes University Campus

The Wilkes University campus is located just south of downtown Wilkes-Barre and encompasses 35 acres. The primary section of the Wilkes University campus runs between South River and South Main Streets from West Northampton to West Ross Streets. The primary sections of campus are connected by a network of pedestrian walkways. The Campus Gateway, running from South Main Street to the Henry Student Center parking lot, acts as both a major pedestrian thoroughfare and a hub of campus life for the entire Wilkes University community. The specific perimeters of the Wilkes University campus change from time to time. As such, the preceding description is meant to provide an approximation of the boundaries of the campus, but is in no way intended to detail the specific contour of the campus' frequently changing boundaries.



*Enrollment: For the 2025-2026 academic year, Wilkes University enrollment was 5,489 students. The student body is approximately 69% women and 31% men. For the fall 2025 semester, there were 3,578 full-time equivalent (FTE) students at the University, and 24% of those students lived in University owned, -recognized, -rented, -leased, or otherwise controlled housing. Additionally, there were 685 full-time equivalent (FTE) employees (faculty and staff combined) at the University.*

## CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE

### Reporting Criminal Activity or Other Emergencies

Campus community members — students, faculty, staff, visitors and guests — are encouraged to report all criminal actions, emergencies, suspicious behavior or other public safety related incidents occurring within the University's Clery geography to the Wilkes University Police Department (WUPD) in an accurate, prompt, and timely manner. The University's Clery geography (as defined in the "Geography Definitions" elsewhere in this Annual Report, and hereafter referred to as the "University's Clery geography.") includes:

- On-campus property including campus residence halls, buildings, and/or facilities;
- Designated non-campus properties and facilities;
- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

WUPD has been designated by Wilkes University as the official office for campus crime and emergency reporting. WUPD strongly encourages the accurate and prompt reporting of crimes. Accurate and prompt reporting ensures the Department is able to evaluate, consider and send timely warning notices, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. Wilkes University further encourages accurate and prompt reporting to WUPD and/or the Wilkes-Barre City Police Department when the victim of a crime elects to, or is unable to, make such a report.

This publication focuses on WUPD because it has primary responsibility for patrolling the Wilkes University campus, and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Wilkes-Barre City Police Department. Additionally, as outlined below, the University has also identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes can be reported.

Primary Campus Security Authorities (CSA) or Preferred Receivers of Reports:

- Call the University Police by dialing 570-408-4999, on-campus extension 4999, or via email at [publicsafety@wilkes.edu](mailto:publicsafety@wilkes.edu)
- Report in person to the WUPD at the Wilkes University Public Safety Center located at 148 South Main Street
- Crimes or emergency situations can be reported to the Wilkes-Barre City Police or other local emergency services by dialing 911
- Sex Offenses and other incidents of sexual or relationship violence can also be reported to the University's Title IX Coordinator, by dialing 570-408-7788 or on-campus extension 7788, or in person on the second floor of Passan Hall.
- Contact the Office of Human Resources (HR) by dialing 570-408-7843 or on-campus extension 7843, or in person at the HR office located on the ground floor of University Towers.
- Contact the Dean of Students by dialing 570-408-4100 or on-campus extension 4100, or in person at the Office of Student Affairs located in Passan Hall, second floor.

Emergency Phones located throughout campus can also be used to contact University Police to report a crime or emergency.

### Response to Reports

Communication Officers are available 24 hours a day to answer campus community calls by dialing 570-408-4999 (emergency), 570-408-4377 (non-emergency), or on-campus extensions 4999 or 4377. In response to a call, University Police will take the required action by either dispatching an officer or asking the reporting party to go to the Department of Public Safety to file an incident report in person. All reported crimes will be investigated by the University and may become a matter of public record. Crime victims are given on and off campus resource information as necessary and appropriate. University Police procedures require an immediate response to emergency calls. University Police works closely with a full range of borough and county resources to assure a complete and timely response to all emergency calls. Priority response is given to crimes against persons and personal injuries. University Police responds to and investigates all reports of crimes and/or emergencies that occur within the University's Clery geography. University Police personnel also have the ability to notify Luzerne County 911 dispatchers of emergency situations occurring on-campus via portable, mobile, and fixed two-way radio communications systems, and transferring telephone calls to the County 911 emergency center. This system allows University Police to summon assistance from additional emergency responders if deemed necessary and appropriate. Incidents occurring within the University's Clery geography are documented and processed for further investigation and review by the Offices of Student Affairs and Residence Life, depending upon the nature of the crime or emergency, or the involvement of the Wilkes-Barre City Police. Additional information obtained via any investigation will also be forwarded to the Offices of Student Affairs and Residence Life. Residential professional and student staff may also complete reports of potential criminal incidents that are forwarded to the University Police for review and processing.

To obtain information or request any public safety or safety escort services, community members should call University Police. Emergency Call Boxes ("blue Lights") are located throughout campus, residence halls, and parking facilities to report crimes in progress, suspicious persons, medical emergencies, or concerns about your personal safety. These phones connect you directly to the WUPD Communication Center.

When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. These exterior phones should be used when seeking information and/or reporting activities — to include criminal incidents. If a member of the community finds any of these phones inoperative or vandalized, they should call University Police so that the phone can be repaired or replaced as quickly as possible. If assistance is required from the Wilkes-Barre Fire Department, or other emergency services, University Police will contact the appropriate unit.

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

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

### **Voluntary, Confidential Reporting**

A victim of a crime, who does not want to pursue action within the criminal justice system or through Wilkes University, may still consider making a confidential report. The purpose of a confidential report is to comply with a victim's wish to keep the matter confidential, while taking steps to ensure the future safety of those involved and others. With such information, the University can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger through issuance of a Timely Warning. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution without victim or suspect information.

Confidential reporting of a crime may be done via the University Police Department "Anonymous Reporting" link at: [www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx](http://www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx)

### **Confidential Reporting**

Students may make confidential reports to Professional Counselors assigned to the Counseling Services. Professional Counselors, when acting in their capacity and function as Wilkes University counselors, 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, if and when they deem it appropriate, to inform students they can report incidents of crime to WUPD, which can be done directly or anonymously through the anonymous reporting processes as outlined below. Wilkes University does not employ anyone in the capacity of a Pastoral Counselor.

Professional Counselor: An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

### **Anonymous Reporting**

Additionally, in accordance with Pennsylvania State law, the University provides an option to report complaints of sexual harassment and sexual violence from students and employees including sexual misconduct, sexual assault, dating violence, domestic violence and stalking anonymously through the online reporting process at: [www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/discrimination-and-harassment-reporting-form.aspx](http://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/discrimination-and-harassment-reporting-form.aspx).

The University allows faculty and staff opportunities to report incidents anonymously, which allows a reporting person to complete a report without providing any personal identifying information. Anonymous reporting can be accomplished using the EthicsPoint system. EthicsPoint is a third-party vendor that is an industry leader in compliance and ethics-related reporting, and is available 24/7/365.

- Online: [www.secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=17812](http://www.secure.ethicspoint.com/domain/en/report_custom.asp?clientid=17812)
- Dial toll-free: 1-888-332-6790

You may wish to remain anonymous by not releasing your name, or not desiring to pursue action through the University judicial board or local criminal justice system. If you wish to make a report and want to remain anonymous, you can call the WUPD's CARE line at 570-408-2273, or visit the WUPD "Anonymous Reporting" link at: [www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx](http://www.wilkes.edu/campus-life/safety-security/anonymous-incident-report.aspx). Anonymous reporting is also available from a smartphone by using the iReport feature in the Wilkes Shield safety app.

While anonymous reporting is available by these means, the University's ability to investigate and appropriately address allegations of misconduct will be significantly limited. Crimes reported confidentially to Counseling Services are not disclosed in the University's crime statistics or reporting processes, unless those crimes are reported to WUPD via the Director of Health and Wellness Services.

The purpose of an anonymous report is to possibly take steps to promote safety. In addition, Wilkes University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

## **STATISTICAL DISCLOSURE OF REPORTED INCIDENTS**

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

## **REPORTING OFF-CAMPUS CRIME TO THE WILKES-BARRE CITY POLICE DEPARTMENT**

A person reporting an off-campus crime to WUPD has the right to report the crime to the Wilkes-Barre City Police Department, the West Side Regional Police Department, and/or the Pennsylvania State Police by calling 911. WUPD officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

If the Wilkes-Barre City Police Department or Edwardsville Borough Police Department is contacted about criminal activity off-campus involving Wilkes University students, the police may notify WUPD. Students in these cases may be subject to arrest by the local police and University disciplinary proceedings through the Office of Student Affairs.

## **MONITORING AND RECORDING CRIMINAL ACTIVITY AT NON-CAMPUS LOCATIONS OF STUDENT ORGANIZATIONS**

The University does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

## UNIVERSITY POLICE AUTHORITY AND JURISDICTION

### University Police Enforcement Authority

The Wilkes University Police Department is responsible for providing policing, security, and emergency response for the Wilkes University Campus. The University Police Department is the primary law enforcement authority at Wilkes University. The Department is comprised of 10 full-time sworn Police Officers, 8 Public Safety Officers, 8 Communications Officers, and support administrative staff. All University Police Officers have successfully completed compulsory training prescribed by the Commonwealth of Pennsylvania under the Municipal Police Officers Education and Training Commission. They are also required to attend annual professional development training for municipal police officers.

Our Public Safety Officers are unsworn and receive training and certification under Pennsylvania Act 235. This training incorporates education and training in constitutional law, PA crimes codes, self-defense, and other related criminal justice topics. Each officer, sworn and unsworn, have been trained in emergency medical procedures, first aid, and CPR.

All crime victims and witnesses are strongly encouraged to immediately report the crime to Wilkes University Police and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

### University Police Arrest Authority

The University Police Department is the primary law enforcement authority at Wilkes University. Our Police Officers have full law enforcement powers, including the authority to make arrests for criminal violations on University property. University Police possess and exercise all the powers of a police officer in the Commonwealth of Pennsylvania, in and upon, and in the immediate and adjacent vicinity of the property of Wilkes University.

Public Safety Officers are non-sworn security personnel for Wilkes University, and have no official powers of arrest authority. Public Safety Officers will summon support from the University Police Officers, or other applicable law enforcement entities to affect an arrest on or within campus-owned, -controlled, -leased, or -recognized property.

### University Police Jurisdiction

University Police's jurisdiction encompasses its Clery geography which includes its core or main campus, campus residence halls, buildings, and/or facilities; designated non-campus properties and facilities; public property adjacent to and accessible from on-campus property; and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities.

WUPD does not have an expanded patrol jurisdiction beyond the buildings, facilities and property the University owns or otherwise controls.

### Criminal Background Checks

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

## ACCESS TO AND SECURITY OF CAMPUS FACILITIES

Access to all University facilities is by limited access card swipe, key, or by admittance via WUPD or Residence Life staff. In the case of periods of extended campus closing, WUPD will admit only those with prior written approval to all facilities. It is a violation of University policy to attempt to use a University ID card to enter any area for which access has not been authorized or to lend or borrow the ID card of another person.

Some facilities may have special event individual hours, which vary at different times of the year. Examples are the Henry Student Center, Dorothy Dickson Darte Center, Marts Center, Karambelas Building, and the SIMS Center. In these cases, the facilities are secured according to schedules developed by the department responsible for the facility and WUPD.

Residence hall access is secured 24 hours a day via swipe card access. Hall residents are provided with access only to the hall they live in via their University ID card. Over extended breaks, the doors of all halls will be secured around the clock and swipe card access will be suspended for all resident students. Access will only be granted with prior written approval from the Office of Residence Life.

Public Safety Officers patrol campus buildings during afterhours times, performing random "walk-throughs." The officers also perform vehicle patrols of parking lots and surrounding areas.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others.

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

## SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

Wilkes University facilities and landscaping are maintained in a manner that minimizes hazardous and unsafe conditions. Campus lighting is evaluated to minimize hazardous conditions and ensure safety and security. Doors, windows, and door hardware are reviewed for efficient operation. Landscape plantings around campus buildings are monitored and maintained throughout the year to provide a safe and welcoming environment. Parking lots and pathways are illuminated with lighting.

University Police and Public Safety Officers regularly patrol the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management through the Facilities Service Center 570- 408-2349 [2FIX], or by sending an iReport from the Wilkes Shield app. The campus' overall safety and security program

is supplemented by a variety of technological systems including: access control; closed circuit television; emergency phones; and fire detection, suppression, and reporting systems. WUPD is often consulted on security measures during construction and renovation capital project meetings.

## **WUPD TRAINING**

WUPD Administration is primarily responsible for conducting intensive and continuing training for University Police and Public Safety officers. Training topics may include criminal law, civil law, federal law, the Clery Act and campus security authority, Title IX, sexual assault and gender violence response and investigation, trauma informed investigation, public relations, active bystanders for law enforcement, race relations and implicit bias, interpersonal communications, crisis intervention and de-escalation, critical incident response and incident command system, emergency operations, emergency medical training, and all facets of protection of persons and property. Training includes annual in-service sessions with department and guest lecturers, out-service seminars and conferences, applicable online training/webinars via PoliceOne/Lexipol, and regular roll-call information sessions.

## **WUPD'S WORKING RELATIONSHIPS WITH OTHER LOCAL AND STATE LAW ENFORCEMENT AGENCIES**

WUPD maintains a close working relationship with the Wilkes-Barre City Police Department, the Edwardsville Borough Police Department, the Kingston Borough Police Department, Kings College Safety and Security Department, the Luzerne County District Attorney's Office, the Luzerne County Drug Task Force, FBI liaison, Pennsylvania State Police, Pennsylvania State Liquor Control Enforcement (LCE), and the Luzerne County 911 Center. Collaborative meetings and training sessions are occasionally held to review issues and incidents occurring within the multiple local jurisdictions. WUPD is comfortable with, and capable of, reaching out to these responsive law enforcement entities for support and assistance as it relates to the safety and security of the campus community.

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

### **Written Memorandums of Understanding with Local Police**

Wilkes University currently has no active written agreements or Memorandums of Understanding (MOU) with local law enforcement agencies, it does maintain a close working relationship with local police.

## **CAMPUS SAFETY ALERTS (TIMELY WARNING NOTICES)**

In an effort to provide timely notice to the Wilkes University community in the event of a criminal situation that, in the judgment of the Chief of Police or designee, may pose a serious or continuing threat to members of the campus community, a Campus Safety Alert (timely warning notice) will be issued.

Campus Safety Alerts will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes or occurrences.

Campus Safety Alerts are primarily distributed by blast email to all students and employees on campus as soon as pertinent information is available. Alerts can also be sent/communicated via Wilkes's text messaging system and a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this Annual Report and highlighted below. The intent of a Campus Safety Alert is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

Campus Safety Alerts are generally written by the Chief of Police or the Lieutenant of Support Operations, and may also be reviewed and approved by the Associate Vice President of Operations prior to distribution. The Chief of Police or the Lieutenant of Support Operations have the authority to issue a Campus Safety Alert without such consultation if consultation time is not available. Should the Chief of Police or the Lieutenant of Support Operations be directly impacted and involved in an incident response, or otherwise unavailable, any trained member from the Marketing and Communications Office could write and send a Campus Safety Alert.

Campus Safety Alerts are sent to the Wilkes community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to WUPD and that have occurred on or within the University's Clery geography (on-campus, non-campus or public property), where after review and assessment it is determined that the incident may pose a serious or continuing threat to members of the University community.

Crimes that occur outside the campus' primary Clery geography, as stipulated or other non-Clery specific crimes, will be evaluated on a case-by-case basis. Information related to these crimes may be distributed to the campus as a Public Safety Notice, as outlined and described in the below policy statement for "Public Safety Notices."

Updates to the campus community, when deemed necessary, about any particular case resulting in a Campus Safety Alert may be: distributed via mass email, posted on the University website, shared with *The Beacon* student newspaper for a follow-up story, and/or distributed by the Chief of Police. Wilkes University professional staff are informed of their responsibility to share Alert information with their sponsored visitors and/or guests. Special Event staff are instructed to inform conference attendees, camp counselors, and/or directors/leaders about Alerts and Alert posters that may be posted in areas, or residence halls where conference or camp attendees are visiting and/or occupying.

Campus Safety Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Wilkes University community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Chief of Police or designee). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a "timely" warning notice to the community. All cases of sexual assault, including

stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Campus Safety Alert.

- Major incidents of Arson
- Other Clery crimes as determined necessary by the Chief of Police or their designee.

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

Anyone with information warranting a timely warning should immediately report the circumstances to:

- University Police, 570-408-4999
- Student Affairs, 570-408-4100
- Provost Office, 570-408-3882
- Office of Residence Life, 570-408-4350
- Title IX, 570-408-7788

The University has communicated with local law enforcement asking them to notify the University if it receives reports or information warranting a timely warning.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At Wilkes University, this would only apply to professional counselors from Health and Wellness Services.

| TIMELY WARNINGS          |                        |                                                                                |                                                                                                                      |                        |                                                                  |
|--------------------------|------------------------|--------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|------------------------|------------------------------------------------------------------|
| Primary Methods          | Primary Method Creator | Backup Message Creator                                                         | Authority to Approve/Send                                                                                            | Primary Message Sender | Backup Message Sender                                            |
| Mass Email               | Police Chief           | Police Lieutenant; or their designee. Trained member of Marketing/Comm. Office | If time permits, consult AVP of Operations/ Compliance. If time does not permit, Primary or Backup Creator proceeds  | Police Chief           | Police Lieutenant; or their designee; or, Marketing/Comm. Office |
| UPD Website              | Police Chief           | Police Lieutenant; or their designee. Trained member of Marketing/Comm. Office | Police Chief; or their designee                                                                                      | Police Chief           | Police Lieutenant; or their designee; or, Marketing/Comm. Office |
| Secondary Methods        |                        |                                                                                |                                                                                                                      |                        |                                                                  |
| Wilkes ENMS (text/email) | Police Chief           | Police Lieutenant; or their designee                                           | If time permits, consult AVP of Operations/ Compliance. If time does not permit, Primary or Backup Creator proceeds. | Police Chief           | Police Lieutenant; or their designee.                            |
| Social Media             | Marketing/Comm. Office | Police Chief; or their designee                                                | Police Chief; or their designee                                                                                      | Marketing/Comm. Office | Marketing/Comm. Office designee                                  |
| Press Releases           | Marketing/Comm. Office | Police Chief; or their designee                                                | Marketing/Comm. Office                                                                                               | Marketing/Comm. Office | Marketing/Comm. Office designee                                  |

## PUBLIC SAFETY NOTICES

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

A Public Safety notice may be sent via mass email to all students and employees on campus. A Public Safety Notice is generally written and distributed to the campus community by the Chief of Police or the Lieutenant of Support Operations, and they may be reviewed and approved by the Associate VP of Operations.

Updates to the campus community about any particular case resulting in a Public Safety Notice, when deemed necessary, may be distributed via mass email, posted on the University website, or may be shared with the Beacon student newspaper for a follow-up story; and may be distributed by the Chief of Police, or designee, as deemed necessary and appropriate.

## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

### Emergency Preparedness

Wilkes University has adopted an Emergency Action Plan (EAP) that establishes policies, procedures and an organizational hierarchy for response to emergencies on campus. The Plan outlines incident priorities, campus organization and the role and operation of Wilkes University personnel during an emergency. Emergency action planning at Wilkes University means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the University and local city and borough communities. Emergency preparedness at Wilkes University is managed by the University's Campus Emergency Response Team. The complete plan is available on the University's website at: <https://www.wilkes.edu/about-wilkes/offices-and-administration/office-of-risk-management-and-compliance/emergency-preparedness.aspx>

The emergency response and evacuation protocols and procedures outlined within this Report are reflective for both on-campus and non-campus buildings, facilities, and residence halls.

### **Emergency Response**

The University's areas and/or departments are responsible for developing emergency response and continuity of operations plans for their areas and staff. The Campus Emergency Response Team provides resources and guidance for the development of these plans. Emergencies occurring on campus should be reported to WUPD by dialing 570-408-4999 or on-campus extension 4999, or by dialing 911 for outside emergency responders.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, which can include tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced are designed to assess and evaluate the emergency plans and capabilities of the institution. 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. WUPD publicizes a summary of the emergency response and evacuation procedures via email to all students, faculty and staff once each year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act (HEOA).

### **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least twice each year. Students and employees learn the locations of the emergency exits in the residence halls as well as the academic and administrative buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. WUPD officers do not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, WUPD staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At Wilkes University, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

WUPD 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 WUPD. If large scale events occur that are beyond the resource capabilities of WUPD and the University, officials will request assistance from outside emergency resources such as the Wilkes-Barre City Police and Fire, Edwinstown Borough Police, Pennsylvania State Police, Luzerne 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 Wilkes University.

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

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

**Exercise of Judgment and Contingencies:** The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the University's Emergency Action Plan (EAP), 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**

In situations where a building is to be evacuated, individuals should immediately proceed to the nearest exit in a quick but orderly manner. After exiting the building, proceed to the nearest rally point.

### *What it Means to Shelter in Place*

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose you to that danger. Thus, to shelter in place means to make a shelter of the building that you are in until it is safe to go outside.

### *Basic Shelter in Place/Evacuation Guidance*

In most cases, stay inside seeking an interior room, until you are told it is safe to come out. If your building is damaged, be sure to evacuate when it's safe to do so. Evacuation procedures: close your door, proceed to the nearest exit, and use the stairs instead of the elevator. Once you have evacuated, seek shelter at the nearest building. If police or fire personnel are on scene, follow their directions.

### *How You Will Know to Shelter in Place/Evacuate*

Shelter in place notifications may come from several sources, including the University Police, Residence Life staff members, other University employees, or other authorities using the University's emergency notification system

### *How to Shelter in Place*

No matter where you are, the basic steps of shelter in place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter in place supplies and a telephone to be used in case of an emergency. If you are outdoors, quickly proceed into the closest building or follow instructions from emergency personnel on the scene.
2. Locate a room in which to shelter. It should be: An interior room without windows or with the least numbers of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Make a list of the people with you and ask someone to call in the list to University Police so they know where you are sheltering. If only students are present, one of the students should call in the list.
5. Remain calm

## **EMERGENCY/IMMEDIATE NOTIFICATION**

Wilkes University has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Emergencies occurring on or within any of the University's Clery geography (as defined in the "Geography Definitions" elsewhere in this Annual Report) should be reported to WUPD by dialing 570-408-4999 or on-campus extension 4999, or by dialing 911 for outside emergency responders.

The Chief of Police will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Chief of Police will consult with other appropriate University officials, quickly evaluating the situation to determine if an alert is warranted, developing the content of the notification message, and then identifying the appropriate segment or segments of the campus community who will receive the notification.

The Chief of Police in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Chief of Police will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of Vice President of Marketing Communications, the University's Chief of Police will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

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 emergency/immediate notifications to the campus community.

The emergency/immediate notification capability of the emergency mass notification system (EMNS) 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 considering 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. Notification will be made by using some or all of the following multi-modal notification methods depending on the type of emergency: University's Emergency Mass Notification System (EMNS) – which contains email and cell phone text; fire alarm; outdoor speakers (where available); social media; local media, webpage, and/or alert siren for shelter-in-place. If any of these systems fail or the University deems it appropriate, in person communication may be used to communicate an emergency. Confirmation of the existence of an emergency typically involves the response and assessment of WUPD officers, sometimes in conjunction with campus administrators and other University officials, other local law enforcement agencies and first responders and/or the national weather center.

When the emergency mass notification system (EMNS) is fully activated using the siren, 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. Local police, emergency responders, officials at the Luzerne County 911 Center, and select city and borough officials are also alerted via text messaging of any actual on-campus emergency that poses a threat to campus and/or the immediate local community.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

### **Emergency Mass Notification System (EMNS) Testing and Registration**

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

Students, staff, and faculty are informed of the University's EMNS 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 EMNS 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, Residential & First Year Programs student staff training, and new employee/faculty orientations. Additionally, EMNS posters are posted in classrooms and public areas throughout campus. These posters provide quick actions for community members to take in the event of an EMNS activation, including shelter-in-place actions, etc. WUPD officers additionally test evacuation procedures for all residence halls and academic/administrative buildings at least once each semester as part of the Department of Public Safety's fire drill and safe evacuation programs.

The EMNS processes are tested once each semester – including the activation of the alert siren and cell phone text messaging systems. These tests are usually announced tests, but they may be unannounced.

Wilkes University uses the RAVE Alert System to offer an emergency notification system, capable of sending users text and e-mail messages. University faculty, staff and students Wilkes email addresses are automatically enrolled into the system. The account is accessible via the Wilkes Portal using a Wilkes username and password. Parents, guardians, and family members of students should ask their student to add their phone number and email address as their second or third contact numbers.

The University's primary and secondary means of communicating during an emergency situation include those addressed above. The following, although not all of these methods are always employed – modalities includes primary, secondary and tertiary methods of notification that are decided upon based on the segment or segments of the campus community that require notification and the best method(s) determined to maximize that notification. The communications method used would depend on the type of emergency:

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

| EMERGENCY NOTIFICATIONS  |                        |                                                                                |                                                                                                                     |                        |                                      |
|--------------------------|------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------|
| Primary Methods          | Primary Method Creator | Backup Message Creator                                                         | Authority to Approve/Send                                                                                           | Primary Message Sender | Backup Message Sender                |
| Mass Email               | Police Chief           | Police Lieutenant; or their designee. Trained member of Marketing/Comm.        | If time permits, consult AVP of Operations/ Compliance. If time does not permit, Primary or Backup Creator proceeds | Police Chief           | Police Lieutenant; or their designee |
| Wilkes EMNS (text/email) | Police Chief           | Police Lieutenant; or their designee. Trained member of Marketing/Comm Office. | If time permits, consult AVP of Operations/ Compliance. If time does not permit, Primary or Backup Creator proceeds | Police Chief           | Police Lieutenant; or their designee |

| Secondary Methods                            |                       |                                      |                                                                                                                      |                                  |                                      |
|----------------------------------------------|-----------------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------------------|
| Campus Siren (shelter-in-place only)         | Police Chief          | Police Lieutenant; or their designee | If time permits, consult AVP of Operations/ Compliance. If time does not permit, Primary or Backup Creator proceeds. | Police Chief                     | Police Lieutenant; or their designee |
| Social Media                                 | Marketing/Comm Office | Police Chief; or their designee      | Police Chief; or their designee                                                                                      | Marketing/Comm Office            | Marketing/Comm Office designee       |
| University Website                           | Marketing/Comm Office | Police Chief; or their designee      | Police Chief; or their designee                                                                                      | Marketing/Comm Office            | Marketing/Comm Office designee       |
| Face-to-Face Communication and Alarm Systems | Police Chief          | Police Lieutenant; or their designee | Police Chief; or their designee                                                                                      | University Police officers/staff | Marketing/Comm office, or designee   |

## STOP CAMPUS HAZING POLICY AND PROGRAMMING

Hazing, which is defined as any action or situation created on or off-campus which recklessly or intentionally harms, damages, or endangers the mental or physical health or safety of a student for the purposes of, including, but not limited to, initiation or admission into or affiliation with any organization operating within the University, is prohibited by the University.

### For any hazing related concerns involving gender and/or sexuality:

#### **The Office of Title IX Compliance**

Max Roth Center 208

215 S. Franklin St.

Wilkes-Barre, PA 18701

Anonymous Reporting: <https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/discrimination-and-harassment-reporting-form.aspx>

Phone: 570-408-4354

Email: [nicole.langan1@wilkes.edu](mailto:nicole.langan1@wilkes.edu)

Website: <https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/index.aspx>

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

#### **The Office of Student Life and Success**

Passan Hall 306

267 S. Franklin St.

Wilkes-Barre, PA 18701

Phone: 570-408-5884

Email: [gretchen.yeninas@wilkes.edu](mailto:gretchen.yeninas@wilkes.edu)

### For concerns related to employees:

#### **Human Resources**

10 E. South St., Suite A

Wilkes-Barre, PA 18701

Phone: 570-408-3356

### **Reports to Law Enforcement**

If you, or someone else, is in immediate danger, or if you believe there could be an ongoing threat to you, another individual, or the community, please call 911.

University community members are encouraged to directly report violations of criminal laws, including The Timothy J. Piazza Antihazing Law, 18. Pa. C.S. § 2801, et seq. to law enforcement. Reports can be made by dialing 911 or contacting the local police agency in the jurisdiction in which the alleged incident occurred.

Students who come to Wilkes join the academic community of the University as well as the community of Wilkes-Barre. We all share the obligation to be cognizant of our responsibilities as members of these communities. Any behavior that is contrary to the regulations of these two communities — or the Commonwealth of Pennsylvania — may result in sanctions. Sanctions are imposed in an attempt to help members of these communities recognize that their actions must reflect acceptable norms that have been established and recognized.

The authority to investigate and adjudicate alleged conduct violations rests primarily with the Office of Student Life. Other agents of the University also have jurisdiction to hear and decide on actions that are counter to the guidelines set forth in the Student Handbook.

| 2025 HAZING STATISTICS    |        |                       |            |                 |
|---------------------------|--------|-----------------------|------------|-----------------|
|                           | Campus | On-Campus Residential | Non-Campus | Public Property |
| Number of Hazing Offenses | 0      | 0                     | 0          | 0               |

## HAZING PREVENTION AND AWARENESS PROGRAM

The institution provides prevention and awareness programming to the campus community related to hazing each Fall and Spring academic semester via web-based training. The community is reminded that hazing is prohibited and is provided information regarding how to file a report how reports of hazing are investigated and information regarding local, state and tribal laws on hazing.

In addition, the institution provides research-informed programming for students and employees that covers a wide range of information designed to stop hazing before it occurs. It includes information regarding bystander intervention, such as how to take steps to watch out for those around you, as well as information regarding ethical leadership. Community members are also provided information regarding how to strengthen group ties without engaging in hazing behavior.

## HAZING STATE LAWS

### Summary (Code of Pennsylvania)

- a. Offense defined. — A person commits the offense of hazing if the person intentionally, knowingly or recklessly, for the purpose of initiating, admitting or affiliating a minor or student into or with an organization, or for the purpose of continuing or enhancing a minor or student's membership or status in an organization, causes, coerces or forces a minor or student to do any of the following:
    - 1. Violate Federal or State criminal law.
    - 2. Consume any food, liquid, alcoholic liquid, drug or other substance which subjects the minor or student to a risk of emotional or physical harm.
    - 3. Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements.
    - 4. Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment.
    - 5. Endure brutality of a sexual nature.
    - 6. Endure any other activity that creates a reasonable likelihood of bodily injury to the minor or student.
  - b. Grading. —
    - 1. Except as provided under paragraph (2), hazing is a summary offense.
    - 2. Hazing shall be a misdemeanor of the third degree if it results in or creates a reasonable likelihood of bodily injury to the minor or student.
  - c. Limitation. — Hazing shall not include reasonable and customary athletic, law enforcement or military training, contests, competitions or events. 18 Pa. C.S. § 2802.
- 

- a. Offense defined. — A person commits the offense of aggravated hazing if the person commits a violation of section 2802 (relating to hazing) that results in serious bodily injury or death to the minor or student and:
    - 1. The person acts with reckless indifference to the health and safety of the minor or student; or
    - 2. The person causes, coerces or forces the consumption of an alcoholic liquid or drug by the minor or student.
  - b. Grading. — Aggravated hazing shall be a felony of the third degree. 18 Pa. C.S. § 2803.
- 

- a. Offense defined. — An organization that intentionally, knowingly or recklessly promotes or facilitates a violation of section 2802 (relating to hazing) or 2803 (relating to aggravated hazing) commits the offense of organizational hazing and shall be subject to any of the following penalties:
    - 1. A fine of not more than \$5,000 for each violation of section 2802.
    - 2. A fine of not more than \$15,000 for each violation of section 2803.
  - b. Penalties. — In addition to any other sentence imposed, if an organization commits the offense of organizational hazing, the organization shall be subject to such other relief as the court deems equitable. 18 Pa. C.S. § 2804.
- 

- a. Maintenance. — An institution shall maintain a report of all violations of the institution's antihazing policy or Federal or State laws related to hazing that are reported to the institution.
  - b. Contents. — The report shall include all of the following:
    - 1. The name of the subject of the report.
    - 2. The date when the subject was charged with a violation of the institution's antihazing policy or Federal or State laws related to hazing.
    - 3. A general description of the violation, any investigation and findings by the institution and, if applicable, penalties.
    - 4. The date on which the matter was resolved.
  - c. Initial report. — This section shall apply beginning with the 2018-2019 academic year. The initial report shall include information concerning violations that have been reported to the institution for the five consecutive years prior to the effective date of this section to the extent the institution has retained information concerning the violations.
  - d. Personal identifying information. — The report shall not include the personal identifying information of an individual.
  - e. Time. — An institution shall post an initial report required under this section on its publicly accessible Internet website by January 15, 2019.
  - f. Update. — An institution shall update the report biannually on January 1 and August 1 and shall post the updated report on its publicly accessible Internet website.
  - g. Duration. — An institution shall retain reports for five years. 18 Pa. C.S. § 2809.
- 

Additionally, as relates to reporting hazing incidents, Pennsylvania permits

- a. Immunity for the individual seeking medical attention for another. — An individual shall not be prosecuted for an offense under this chapter if the individual can establish all of the following:
  - 1. A law enforcement officer first became aware of the individual's violation of this chapter because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.
  - 2. The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that an individual needed immediate medical attention to prevent death or serious bodily injury.
  - 3. The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.
  - 4. The individual remained with the individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual's presence had ended.
- b. Derivative immunity for the individual needing medical attention. — An individual needing medical attention shall be immune under this section from prosecution for an offense under this chapter or section 6308(a) (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) only if another individual against whom probable cause exists to charge an offense under this chapter reported the incident and remained with the individual needing medical attention and the other individual qualifies for a safe harbor under this section.
- c. Limitations. — The safe harbors described under this section shall be limited as follows:
  - 1. This section may not bar prosecuting a person for an offense under this chapter if a law enforcement officer learns of the offense prior to and independent of the action of seeking or obtaining emergency assistance as described in subsection (a).

2. This section shall not interfere with or prevent the investigation, arrest, charging or prosecution of an individual for a crime other than an offense under this chapter or section 6308(a).
  3. This section shall not bar the admissibility of evidence in connection with the investigation and prosecution for a crime other than an offense under this chapter or section 6308(a).
  4. This section shall not bar the admissibility of evidence in connection with the investigation and prosecution of a crime with regard to another defendant who does not independently qualify for a safe harbor under this section.
- d. **Civil immunity.** — In addition to any other applicable immunity or limitation on civil liability, a law enforcement officer, campus security officer or prosecuting attorney who, acting in good faith, charges a person who is thereafter determined to be entitled to immunity under this section shall not be subject to civil liability for the filing of the charges. 18 Pa. C.S. § 2810.

## ALCOHOL/DRUG POLICIES

The goals of the Wilkes University Alcohol Policy include protection of health and safety of students, the preservation of an environment conducive to scholarship, as well as positive social interaction, the protection of personal and University property, and the prevention of abusive behaviors related to alcohol consumption.

Wilkes University does not encourage the use of alcoholic beverages by students. The University respects the rights of individuals who are 21 years old who decide to use alcoholic beverages, but is greatly concerned about the misuse and abuse of alcohol. The University enforces the state's underage drinking laws. Students of legal age who choose to drink must drink responsibly. Those under 21 years of age are not permitted to consume, possess or be in the presence of alcohol under any circumstances on University property or at any University event.\*

*\*At university events where the participants are of mixed age, those of legal drinking age are visibly identified (i.e. by bracelets). The event must be approved by the Office of Student Affairs.*

Members of the University community are especially reminded that the laws of Pennsylvania pertaining to alcoholic beverages are applicable to the campus and, as such, the responsibility for observance of the laws of Pennsylvania remains with each individual. The University will not serve as a sanctuary from the law.

The Pennsylvania Liquor and Penal Code states:

1. All persons, while in the Commonwealth of Pennsylvania, are subject to Pennsylvania Liquor and Penal Code.
2. It shall be unlawful for a person less than 21 years of age to attempt to purchase, consume, possess, or transport any alcohol or malt or brewed beverages within this Commonwealth.
3. It is unlawful to sell or furnish alcoholic beverages of any kind to persons under 21 years of age. No person under 21 years of age may pass assessments that will be used in whole or in part for the purchase of alcoholic beverages.
4. It is a misdemeanor to lawfully transfer a registration card for the purpose of falsifying age to secure alcoholic or malt beverages.
5. It is unlawful to misrepresent one's age to obtain alcoholic beverages or to represent to a liquor dealer that a minor is of age.

The University expects that all members of the University community be aware of these laws and of their responsibility for compliance with them. Members of the Students Affairs staff will, as a matter of routine, notify parents of students whose health or safety is endangered. This includes, but is not limited to situations involving substance abuse.

Wilkes University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

Wilkes University is opposed to the use of any illicit substances. Additionally, any misuse and/or abuse of prescription or over-the-counter medications will not be tolerated. Any drugs, or drug combination (legal or illegal), deemed by the University to be detrimental to the health and safety of community members are not allowed on campus. This would include, but is not limited to: synthetic cannabinoids (synthetic marijuana), mephedrone (street name "bath salts"), and party powders. Possession of drug paraphernalia is also illegal, particularly when there is evidence of drug use. Students who are charged with possession, use, transfer, or sale of these substances will be subject to disciplinary action that may result in penalty charges, suspension, or dismissal from the University independent of any external legal action.

Wilkes is cognizant of the growing problem of drug abuse and is concerned with the complex and serious nature of this problem. For this reason, students found to be involved in supplying drugs for others will be subject to serious disciplinary action. We define "supplying drugs" as meaning procuring and providing substances in any amount, under any conditions.

Wilkes University will cooperate fully with law enforcement officers as they continue their efforts to halt the use of illicit substances.

### Federal Drug Laws (updated 07.18.2025)

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including loans, grants, scholarships, contracts, and licenses, although the Department of Education has said it will no longer disqualify students from Title IV aid for a federal or state conviction for possession or sale of a controlled substance.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe. Federally-defined schedules of controlled substances are published at 21 U.S.C. § 812.

In the case of a controlled substance in schedule I or schedule II, GHB (or, “liquid ecstasy”), or flunitrazepam (or, “rohypnol”), a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (21 U.S.C. § 860) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Federal Drug Possession Penalties (21 U.S.C. § 844) Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

For the most recent and complete Federal Trafficking Penalties information, visit the website of the U.S. Drug Enforcement Administration at <https://www.campusdrugprevention.gov/content/drug-scheduling-and-penalties>.

## Drug and Alcohol State Laws

| Category                          | Summary (Pennsylvania Consolidated Statutes)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Possession of Marijuana           | <p>Marijuana (also referred to as “marihuana”) is a Schedule I drug and is unlawful to use or consume except as allowed for medical purposes. 35 Pa. Cons. Stat. §§ 10231.304, 780-104. Any person who possesses a small amount of marijuana (30 grams or less) is guilty of a misdemeanor and, upon conviction, will be sentenced to imprisonment for a term not exceeding 30 days and/or a fine not exceeding \$500. 35 Pa. Cons. Stat. § 780-113(a)(31), (g). As the amount of marijuana increases, the crime classification becomes more severe and related penalties increase. 35 Pa. Cons. Stat. § 780-113(f).</p> <p>Adults with serious medical conditions may purchase and use up to a 90-day supply of medical marijuana, and possess an additional 90-day supply. 35 Pa. Cons. Stat. §§ 10231.301, 10231.303, 10231.405. Patients must obtain a medical marijuana identification card to lawfully participate. 35 Pa. Cons. Stat. §§ 10231.301, 10231.303, 10231.405.</p>                                                                                                                                           |
| Controlled Substances             | <p>The Controlled Substance, Drug, Device and Cosmetic Act of Pennsylvania covers a wide range of offenses related to controlled substances. 35 Pa. Cons. Stat. §§ 780-101 – 780-144. Specific prohibited acts and associated penalties, which include prison sentences and monetary fines, are enumerated in 35 Pa. Cons. Stat. § 780-113. These vary widely by the type of drug, amount confiscated, the number of previous offenses by the individual, and whether the individual intended to manufacture, sell, or use the drug. <i>Id.</i>; 35 Pa. Cons. Stat. § 780-115.</p> <p>Distribution to persons under age 18 may result in a term of imprisonment up to twice that otherwise authorized by other related statutes. 35 Pa. Cons. Stat. § 780-114. Any person convicted of a second or subsequent offense (or of a similar offense) may be imprisoned for a term up to twice the term otherwise authorized, fined an amount up to twice that otherwise authorized, or both. 35 Pa. Cons. Stat. § 780-115.</p>                                                                                                      |
| Alcohol and Minors                | <p>A minor who attempts to purchase, or purchases, consumes, possesses, or transports alcohol may be sentenced to pay a fine of up to \$500 for the first violation and up to \$1,000 for each subsequent violation. 18 Pa. Cons. Stat. § 6308(b).</p> <p>Selling or furnishing alcohol to a minor is a misdemeanor in the third degree punishable by at least \$1,000 for the first violation and \$2,500 for each subsequent violation. 18 Pa. Cons. Stat. § 6310.1(c).</p> <p>Possession or use of an identification card falsely identifying a minor as being 21 years of age or older is not punishable for an initial offense but carries a minimum penalty of \$500 for the second and subsequent offense. 18 Pa. Cons. Stat. § 6307.</p> <p>A minor possessing a false identification card and/or attempting to obtain alcoholic beverages by using the false identification card is guilty of a summary offense for a first violation and a misdemeanor of the third degree for any subsequent violation. 18 Pa. Cons. Stat. § 6310.3. Second and subsequent violations carry a maximum fine of \$500. <i>Id.</i></p> |
| Driving Under the Influence (DUI) | <p>Driving Under the Influence requires having a blood alcohol concentration of 0.08 percent or more while driving or within 2 hours of having driven or imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle. 75 Pa. Cons. Stat. § 3802. A person may also not drive while under the influence of a Schedule I controlled substance (i.e., marijuana), or an unprescribed Schedule II or III controlled substance. <i>Id.</i> This is a misdemeanor for which an individual may be sentenced to a term of imprisonment of not more than 6 months. 75 Pa. Cons. Stat. § 3803. Other penalties can include a fine of \$300 and educational programs, with fines increasing for subsequent offenses. 75 Pa. Cons. Stat. § 3804.</p>                                                                                                                                                                                                                                                            |

### **Drug Free Schools and Communities Act (DFSCA) Compliance**

Wilkes University's Drug and Alcohol Abuse Prevention Program (DAAPP) is emailed to all employees and all students annually, and in writing. A copy of the most current DAAPP can also be reviewed and obtained by contacting the Offices of Human Resources or Student Affairs:

- Contact the Office of Human Resources (HR) by dialing 570-408-7843 or on-campus extension 7843, or in person at the HR office located on the ground floor of University Towers.
- Contact the Office of Student Affairs by dialing 570-408-4100 or on-campus extension 4100, or in person at Passan Hall, second floor.

For more information about the University's Drug and Alcohol Policies and Abuse Prevention Program and the Drug-Free Schools and Communities Act of 1989 (DFSCA), visit the following webpage: <https://www.wilkes.edu/campus-life/drug-and-alcohol-prevention.aspx>.

Additional alcohol and drug policies, standards of conduct, applicable disciplinary sanctions, health risks, counseling and treatment, processes, goals, and objectives can be found on this website and within the DAAPP. The biennial report, developed in accordance with the Drug Free Schools and Communities Act (DFSCA) of 1989, can be also be obtained by contacting the Offices of Human Resources or Student Affairs, as outlined above.

### **Daily Crime and Fire Log**

WUPD combines its Daily Crime Log and Fire Log into one public document. WUPD makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 8am to 5pm, except holidays) at the Wilkes University Public Safety Center in Wilkes University Public Safety Center, located at 148 South Main Street. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The information in the crime and fire log typically includes the incident number, crime classification or nature of the fire, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the University's campus community.

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

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

## **PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS AND CLERY COMPLIANCE**

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The Wilkes University Department of Public Safety is primarily responsible for preparing the Annual Security and Fire Safety Report.

This responsibility is specifically designated to the Lieutenant of Support Operations or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the Wilkes University Police Department, the Wilkes-Barre City Police Department, the Edwardsville Borough Police Department, the Pennsylvania State Police, the Luzerne County Sheriff's Office, the Luzerne County District Attorney's Office, the Pennsylvania State Liquor Control Enforcement, and non-police or public safety personnel who have been designated as Campus Security Authorities or CSAs. The Office of Student Affairs, the Office of Residence Life, Title IX Office, and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained along with sexual offenses and potential reports of other Clery crimes.

Final report preparation is coordinated by the Lieutenant of Support Operations, with Human Resources, Residence Life, Student Activities, Diversity Affairs, Student Affairs, Risk and Compliance, the Title IX Coordinator, Athletics, and Student Financial Services.

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

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

Statistical information is not requested from, nor is it provided by, Professional Counselors of Health and Wellness Services. Professional Counselors are not required by law to provide statistics for this compliance document. Counseling Professionals, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to WUPD for inclusion in the annual statistics. Health and Wellness Services facilitate anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report.

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

WUPD sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. Additionally, notification letters (via campus mail) are sent to individual campus departments. The email and letter include a brief summary of the contents of this report. The email and letter also include the address for the WUPD website where the Annual Security and Fire Safety Report (ASFSR) can be found online, and notification that a physical copy may be obtained by making a request to WUPD by calling 570-408-4377 or in person at the Wilkes University Public Safety Center at 148 South Main Street. The availability of the ASFSR is also available at the Admissions Office, Chase Hall, at the Office of Student Affairs, Passan Hall, and included on all Human Resources employment application forms informing prospective students and employees how to access the ASFSR and obtain a copy.

### **Specific Information about Classifying Crime Statistics**

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

### **The Pennsylvania Uniform Crime Reporting Act (Table One)**

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

### **Clery Act Reporting (Table Two)**

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

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

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

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

### **Geography Definitions from the Clery Act**

On-Campus defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately-owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

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

On-campus Student Housing Facility defined as: Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is a considered a subset of the On-Campus category.

Reasonably Contiguous is defined in as: Any building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus."

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

### Unfounded Crimes

If a Clery Act crime is reported as occurring in any of the University's Clery Act geographic categories and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime after a thorough investigative process.

## POLICIES, PROCEDURES, AND PROGRAMS RELATED TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

Consistent with applicable laws, the University prohibits dating violence, domestic violence, sexual assault, and stalking. The University's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Equal Opportunity, Harassment, and Nondiscrimination Policy: [https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/\\_assets/2020-policies/equal-opportunity-harassment-nondiscrimination-policy-2023.pdf](https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/_assets/2020-policies/equal-opportunity-harassment-nondiscrimination-policy-2023.pdf)
- Resolution Process for Alleged Violations of the Title IX and Other Sexual Misconduct Offenses (Process A): [https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/\\_assets/2020-policies/process-a-procedures.pdf](https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/_assets/2020-policies/process-a-procedures.pdf)
- Resolution Process for Alleged Violations of Other Civil Rights Offenses (Process B): [https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/\\_assets/2020-policies/process-b-procedures.pdf](https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/_assets/2020-policies/process-b-procedures.pdf)
- The following sections of this report discuss the University's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### Primary Prevention and Awareness Program:

The University conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the University prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

### Crime Definitions

| Crime Type (Pennsylvania Statutes and Consolidated Statutes) | Definitions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dating Violence                                              | The institution has determined, based on good-faith research, that Pennsylvania law does not define the term dating violence, other than in the context of dating violence education, where it is defined as follows: Behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control the person's dating partner. 24 Pa. Stat. Ann. § 15-1553(f). Furthermore, under 23 Pa. Stat. Ann. § 6102, "abuse" is defined as the occurrence of one or more specified acts between "family or household members," "sexual or intimate partners," or "persons who share biological parenthood."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Domestic Violence                                            | <p>Pennsylvania defines domestic violence as follows (71 Pa. Stat. Ann. § 611.13): the occurrence of one or more of the following acts between family or household members: (1) Intentionally, knowingly or recklessly causing or attempting to cause bodily injury; (2) Placing, by physical menace, another in fear of imminent serious bodily injury</p> <p>Pennsylvania law defines "Abuse" in its domestic relations statutes as follows (23 Pa. Stat. Ann. § 6102): The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood: (1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon; (2) Placing another in reasonable fear of imminent serious bodily injury; (3) The infliction of false imprisonment pursuant to 18 Pa.Stat. Ann. § 2903; (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services); (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).</p> <p>Pennsylvania law defines "Family or household members" in its domestic relations statutes as follows (23 Pa. Stat. Ann. § 6102): Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners who share biological parenthood.</p> |
| Stalking (18 Pa. Stat. Ann. § 2709.1)                        | A person commits the crime of stalking when the person either: (1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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| Sexual Assault                         | <ul style="list-style-type: none"> <li>• Sexual Assault (18 Pa. Stat. Ann. § 3124.1): Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.</li> <li>• Statutory Sexual Assault (18 Pa. Stat. Ann. § 3122.1): <ul style="list-style-type: none"> <li>◦ Felony of the second degree – Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either: (1) four years older but less than eight years older than the complainant; or (2) eight years older but less than 11 years older than the complainant.</li> <li>◦ Felony of the first degree – A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.</li> </ul> </li> </ul> <p>For purposes of the statutes above, sexual intercourse and deviate sexual intercourse are defined in 18 Pa. Stat. Ann. § 3101 as follows:</p> <ul style="list-style-type: none"> <li>◦ “Deviate sexual intercourse.” Sexual intercourse per os or per anus between human beings and any form of sexual intercourse with an animal. The term also includes penetration, however slight, of the genitals or anus of another person with a foreign object for any purpose other than good faith medical, hygienic or law enforcement procedures.</li> <li>◦ “Sexual intercourse.” In addition to its ordinary meaning, includes intercourse per os or per anus, with some penetration however slight; emission is not required.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Rape, Fondling, Incest, Statutory Rape | <p>For purposes of the Clery Act, the term “sexual assault” includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Pennsylvania law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape (18 Pa. Stat. Ann. § 3121): 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.</li> <li>• Rape of a child (18 Pa. Stat. Ann. § 3121): A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.</li> <li>• Rape of a child with serious bodily injury (18 Pa. Stat. Ann. § 3121): A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Pennsylvania law does not define the term fondling. Similar conduct may be included in the definition of indecent assault. 18 Pa. Stat. Ann. § 3126.</li> <li>• Incest (18 Pa. Stat. Ann. § 4302): <ul style="list-style-type: none"> <li>a. General rule – Except as provided under subsection (b), a person is guilty of incest, a felony of the second degree, if that person knowingly marries or cohabits or has sexual intercourse with an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood.</li> <li>b. Incest of a minor – A person is guilty of incest of a minor, a felony of the second degree, if that person knowingly marries, cohabits with or has sexual intercourse with a complainant who is an ancestor or descendant, a brother or sister of the whole or half blood or an uncle, aunt, nephew or niece of the whole blood and: (1) is under the age of 13 years; or (2) is 13 to 18 years of age and the person is four or more years older than the complainant.</li> <li>c. Relationships – The relationships referred to in this section include blood relationships without regard to legitimacy, and relationship of parent and child by adoption.</li> </ul> </li> <li>• Statutory Rape: Pennsylvania law does not define the term statutory rape. The state defines the charge as statutory sexual assault (18 Pa. Stat. Ann. § 3122.1) as defined above.</li> </ul> |
| Other “sexual assault” crimes          | <p>Other crimes under Pennsylvania law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>• Involuntary Deviate Sexual Intercourse (18 Pa. Stat. Ann. § 3123): <ul style="list-style-type: none"> <li>a. Offense defined – A person commits a felony of the first degree when the person engages in deviate 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 him or her incapable of consent; or (6) (Deleted by amendment); (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.</li> <li>b. Involuntary deviate sexual intercourse with a child – A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.</li> <li>c. Involuntary deviate sexual intercourse with a child with serious bodily injury – A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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| Other “sexual assault” crimes ( <i>continued</i> ) | <ul style="list-style-type: none"> <li>• Aggravated Indecent Assault (18 Pa. Stat. Ann. § 3125): <ul style="list-style-type: none"> <li>a. Offenses defined – Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the penetration is occurring; (5) 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; (6) the complainant suffers from a mental disability which renders him or her incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.</li> <li>b. Aggravated indecent assault of a child – A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.</li> </ul> </li> <li>• Indecent Assault (18 Pa. Stat. Ann. § 3126): A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and: (1) the person does so without the complainant's consent; (2) the person does so by forcible compulsion; (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution; (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring; (5) 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; (6) the complainant suffers from a mental disability which renders the complainant incapable of consent; (7) the complainant is less than 13 years of age; or (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.</li> </ul> |
| Consent (as it relates to sexual activity)         | <p>The institution has determined, based on good-faith research, that Pennsylvania law does not define the term consent (as it relates to sexual activity).</p> <p>However, Pennsylvania law does provide the following regarding consent to criminal offenses generally (18 Pa. Stat. Ann. § 311(c)): 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.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

#### University Definition of Consent

**Consent: a knowing and voluntary agreement, with clear permission by word or action to engage in sexual activity.** Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Moreover, a current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the University to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar and previous patterns that may be evidenced.

#### Risk Reduction

1. Training programs on how to recognize and appropriately report allegations of sexual harassment and sexual misconduct to those who may meet students in crisis situations or serve in an advisory or adjudicating capacity, such as resident assistants, Title IX officers, public safety officers, first-year student mentors, department supervisors, student affairs emergency on-call staff, and members of the Title IX Team and Judicial Council.
2. An online, health-education and self-assessment program administered to all incoming first-year students, which addresses their choices related to drugs and alcohol along with the connection between alcohol/drug use and sexual violence.

3. A mandatory First-Year Student Orientation workshop on sexual harassment and violence.
4. A sexual harassment and violence brochure disseminated to all first-year students.
5. An online training module for faculty, staff and students to familiarize everyone about the University's policies and procedures including Sexual Misconduct, reporting.

#### Bystander Intervention

A Bystander Intervention program designed to provide students with the skills and confidence to intervene safely and effectively when witness to situations where individuals may be at risk of sexual violence.

#### Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

#### Ongoing Prevention and Awareness Campaign:

The University also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

#### PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: presentations, online training modules, distribution of written materials, and periodic email blasts. A summary of this programming is provided below.

- Training programs on how to recognize and appropriately report allegations of sexual harassment and sexual misconduct to those who may meet students in crisis situations or serve in an advisory or adjudicating capacity, such as resident assistants, Title IX officers, public safety officers, first-year student mentors, department supervisors, student affairs emergency on-call staff, and members of the Title IX Team and Judicial Council.
- An online, health-education and self-assessment program administered to all incoming first-year students, which addresses their choices related to drugs and alcohol along with the connection between alcohol/drug use and sexual violence.
- A mandatory First-Year Student Orientation workshop on sexual harassment and violence.
- A sexual harassment and violence brochure disseminated to all first-year students.
- A Bystander Intervention program designed to provide students with the skills and confidence to intervene safely and effectively when witness to situations where individuals may be at risk of sexual violence.
- Staff and faculty are provided with a two-part online training through United Educators which is entitled "Prevent Discrimination and Harassment Together," and "Prevent Sexual Violence Together." This training educates employees on how to recognize and respond to the prohibited sexual misconduct which includes sexual assault, stalking, dating and domestic violence. This training, coupled with a written resource guide provided to all employees, assists them in understanding institutional reporting requirements and identifying safe and effective bystander intervention options.
- A Red Flag Campaign is implemented during the spring semester and targets the entire University community to highlight warning signs of intimate partner violence, stalking, sexual exploitation, and sexual assault. This program educates on "red flags" in abusive relationships and teaches individuals how to recognize those signs in their own relationship or the relationships of their friends. Most importantly, the campaign encourages the members of our community to take steps to reduce risk and safely intervene.
- This Project, also implemented in the spring semester, is a powerful visual display that is a vehicle for people affected by violence to express their emotions by decorating a shirt. The shirts are hung on a clothesline to be viewed by others as testimony to the problem of sexual and intimate partner violence. The purpose of this Project is to create awareness of the experiences of the victims and survivors of sexual and intimate partner violence, as well as to assist in the healing process. Additionally, through this Project, our endeavor is to educate and raise our campus community's awareness surrounding the occurrence of intimate partner violence and sexual assault.

#### **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, go to a safe place and call 911 or the Wilkes University Police Department at 570-408-4999.

You may also Contact the Title IX Coordinator/Deputy Coordinators with the contact information listed below. A report may be made at any time (including during non-business hours) via phone call, email, or physical mail to the office address listed for the Title IX Coordinator.

Report using the online reporting form. Employees can additionally access the University's Confidential Reporting Mechanism.

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

#### Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at The preservation of evidence in incidents of sexual assault is critical to potential criminal prosecution and to obtaining protection orders, and is

particularly time-sensitive. After a sexual assault occurs, the most important step is to get to a safe place. After doing so, the Complainant can preserve evidence by taking the following actions:

1. Seek forensic medical assistance at the hospital, ideally within 120 hours of the incident (sooner is better);
2. Avoid showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if you do;
3. Try not to urinate;
4. If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth;
5. If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence);
6. Seeking medical treatment can be essential even if it is not for the purposes of collecting forensic evidence.

During the initial meeting between the Complainant and the Title IX Coordinator, this information will be reiterated, if timely.

**Geisinger Wyoming Valley Medical Center**

1000 East Mountain Blvd.

Wilkes-Barre, PA 18711

570-808-7300

<https://locations.geisinger.org/geisinger-wyoming-valley-medical-center>

**Geisinger South Wilkes-Barre**

25 Church St.

Wilkes-Barre, PA 18765

570-808-3100

<https://locations.geisinger.org/geisinger-south-wilkes-barre>

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

Security/Law Enforcement and How to Make a Police Report

- University Police may be contacted at 570-408-4999 or in-person at 148 South Main Street, Wilkes-Barre, PA 18701
- Wilkes Barre City Police Department may be contacted at 570-208-4200 or in-person at 15 N. Washington St., Wilkes-Barre, PA 18702
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

**Information about Legal Protection Orders**

Pennsylvania Protective Orders

A Protection from Abuse (PFA) Order from a court gives protective “relief” for a victim (and sometimes children) for up to three (3) years. In Pennsylvania, PFAs can be either temporary or permanent in nature. “Stay away” orders are temporary, not permanent. They are good for up to one (1) year or until your case is resolved. Stay away orders do not go into the police computer system. This means that they do not go on a court record.

A victim of abuse may file for a PFA order against an intimate partner or a family member, such as:

- Spouses or ex-spouses;
- Persons who have lives as spouses;
- Domestic partners;
- Same sex couples;
- Parents;
- Children;
- Persons related by blood or marriage (including brothers/sisters); or
- Current or former sexual or intimate partners (including dating relationships)

The PFA Act does not cover abuse by a stranger or a roommate that the victim is not intimately involved with.

In Luzerne County, you can go to the PFA Office located in the Luzerne County Courthouse, 200 N. River St., Wilkes-Barre. The office is located on the second floor. Filings can be submitted between 9 a.m. and 3 p.m. It is best to arrive before 2 p.m. since it takes approximately two hours to complete the filing process.

Students or employees may speak with the University Police Department, the Title IX coordinator, the Office of Student Affairs, or Human Resources who can explain the process for seeking a protective order and can escort a student or employee to the Luzerne County PFA office to initiate a petition seeking a protective order.

Protection of Victims of Sexual Violence or Intimidation Act

In Pennsylvania, an individual can file a civil protection order known as a Sexual Violence Protection Order (SVP) or a Protection from Intimidation Order (PFI) (for minors) to protect them from further sexual violence, abuse, or intimidation by their offender.

SVP orders are appropriate in cases of sexual violence where the victim and perpetrator do not have and have never had a family or intimate partner relationship. SVP orders may be granted when the victim and the perpetrator are strangers or have these types of relationships:

- Acquaintances;
- Friends;
- Co-workers;
- Classmates;
- Neighbors; or
- Roommates

PVI orders are appropriate in cases of harassment and stalking where the victim and the perpetrator do not have and have never had a family or intimate partner relationship AND the victim is under the age of 18 and the perpetrator is over the age of 18.

Like PFAs, you can go to the PFA Office located in the Luzerne County Courthouse, 200 N. River St., Wilkes-Barre to file a SVP order or a PFI order. The office is located on the second floor. Filings can be submitted between 9 a.m. and 3 p.m. It is best to arrive before 2 p.m. since it takes approximately two hours to complete the filing process.

Students or employees may speak with the University Police Department, the Title IX coordinator, the Office of Student Affairs, or Human Resources who can explain the process for seeking a protective order and can escort a student or employee to the Luzerne County PFA office to initiate a petition seeking a protective order.

The institution does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. The institution may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

#### Available Victim Services:

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include: <https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/sexual-misconduct.aspx>

Wilkes University offers support services to all students that include, but are not limited to the following:

- On-Campus Counseling
- The Counseling Center provides confidential counseling.
- Referral to counseling, medical, and/or other healthcare services.
- Referral to community-based service providers such as the Victim Resource Center and Domestic Violence Service Center.
- Visa and immigration assistance.
- Student financial aid counseling.
- Education to the community or community subgroup(s).
- Altering campus housing assignment(s).
- Safety planning.
- Providing campus safety escorts.
- Providing transportation accommodations.
- Implementing contact limitations (no contact orders).
- Academic support, extensions of deadlines, or other course/program-related adjustments.
- Trespass or Persona Non Grata (PNG) orders.
- Connection to local resources for help on how to obtain a Protection from Abuse or Sexual Violence Protection Order.
- Class schedule modifications, withdrawals, or leaves of absence.
- Increased security and monitoring of certain areas of the campus.

#### Off-Campus Support

Students, Faculty and Staff can also choose off-campus support. Below are resources that can be used.

##### **Victims Resource Center**

<https://vrcnepa.org/>  
71 North Franklin Street  
Wilkes-Barre, PA 18701  
570-823-0765

##### **Office of Civil Rights (OCR)**

<https://www.ed.gov/about/ed-offices/ocr>

The mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.

#### Accommodations and Protective Measures:

The University will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the University is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

1. Contact the Title IX Coordinator/Deputy Coordinators with the contact information listed below. A report may be made at any time (including during non-business hours) via phone call, email, or physical mail to the office address listed for the Title IX Coordinator.
2. Report using the online reporting form. Employees can additionally access the University's Confidential Reporting Mechanism.
3. Report to the Wilkes University Police Department:  
148 South Main Street  
Wilkes-Barre, PA 18766  
570-408-4999

The Title IX Coordinator and Deputy Title IX Coordinators determine which accommodations or protective measures will be implemented. When determining the reasonableness of such a request, the University may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the University in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

#### Resolution Process for Alleged Violations of the Title IX and Other Sexual Misconduct Offenses (Process A)

The University will act on any formal notice/complaint of violation of the Policy on Equal Opportunity, Harassment, and Nondiscrimination ("the Policy") that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures, known as "Process A."

"Process A" applies to:

- Qualifying allegations of Title IX Offenses (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of Other Sexual Misconduct Offenses (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of the above offenses that would otherwise be "dismissed" under Title IX due to jurisdictional classification (i.e. when the Complainant is a visitor or guest; the off-campus conduct affects a substantial University interest, or effectively deprives someone of access to Wilkes University's educational program).

The Procedures below may be used to address collateral misconduct (i.e., vandalism, physical abuse of another etc.). If the alleged conduct stems from the same event or course of conduct, it will be processed and adjudicated through "Process A" at the same time.

#### 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 and/or Deputy Title IX Coordinator initiates a prompt initial assessment to determine the next steps the University needs to take.

The Title IX Coordinator(s) 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).

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

#### Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- 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 an individualized 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.
- 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 their request(s), 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, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
  - 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 the alleged misconduct does not fall within the scope of the 2020 Title IX regulations, the Title IX Coordinator determines that Title IX regulations do not apply and will procedurally "dismiss" that aspect of the complaint under Title IX. The Title IX Coordinator then assesses which University policies may apply and refers the complaint to be processed under the appropriate resolution process. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit the University's authority to address a complaint with an appropriate process and remedies.

#### Individualized Risk Assessment

In many cases, the Title IX Coordinator may determine that an Individualized Risk Assessment (IRA) should be conducted by the University's Behavioral Threat Assessment Team as part of the initial assessment. An IRA can aid in 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 communicate with a transfer Recipient about a Respondent;
- Assessment of appropriate sanctions/remedies (to be applied post-hearing); and/or
- Whether a Clery Act Timely Warning/ Trespass order/Persona-non-grata is needed.

Threat assessment is the process of evaluating an individual's level of violence risk and/or the actionability of violence by an individual against another person or group following the issuance of a direct or conditional threat. An IRA authorized by the Title IX Coordinator should occur in collaboration with the Behavioral Threat Assessment Team.

#### Dismissal (Mandatory and Discretionary)

The University must dismiss a Formal Complaint (as Title IX) 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 under Title IX as defined in the Equal Opportunity, Harassment, and Nondiscrimination Policy, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by the University (including buildings or property controlled by recognized student organizations), and/or the 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 the University.

The University may dismiss a Formal Complaint (as Title IX) 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 the University; or
3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

Upon any dismissal, the 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.

Dismissing a complaint under Title IX is solely a procedural requirement, and does not limit the University's authority to address a complaint under "Process A" if it meets one of the other sexual misconduct definitions or jurisdictional categories as described in the Policy. The Title IX Coordinator will provide the Parties with notification of the potential violations that will still be processed under "Process A."

#### Counterclaims

The University is obligated to ensure that the grievance process is not abused for retaliatory purposes. The 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. 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 in the investigation of a counterclaim may occur. 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 policy.

#### 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(s).

The 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.

#### 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 the Wilkes 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 the University, the Advisor will be trained by the University and be familiar with the University's resolution process.

If the Parties choose an Advisor from outside the pool of those identified by the University, the Advisor may not have been trained by the University and may not be familiar with the University's 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.

#### 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.

The 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, the University is not obligated to provide an attorney.

#### Advisors in Hearings/University-Appointed Advisor

Under the U.S. Department of Education's 2020 regulations for Title IX, cross-examination is required during the hearing, but must be conducted by the Parties' Advisors. The Parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, the University will appoint a trained Advisor for the limited purpose of conducting any cross-examination.

#### Pre-Interview Meetings

Advisors may request to meet with the Title IX Coordinator in advance of any pre-hearing interviews or meetings. This pre-meeting allows Advisors to clarify and understand their role and the University's policies and procedures.

#### Advisor Violations of University Policy

All Advisors are subject to the same University policies and procedures, whether they are attorneys or not and whether they are selected by a party or assigned by the University. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials or investigators in a meeting or interview unless invited to do so (e.g., to ask 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 cross-examination.

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 will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting/interview/hearing will be ended, or other appropriate measures implemented. Subsequently, if the Title IX Coordinator determines the Advisor does not respect the decorum of the University's proceedings, the party will be notified that they must choose a new Advisor or they will be appointed one for future meetings/hearing.

#### Sharing Information with the Advisor

The University expects that the Parties may wish to have the 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.

At the request of a party, the University may also provide a consent form that authorizes the 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 the University is able to share records with an Advisor.

Advisors are expected to maintain the privacy of the records shared with them. The 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 the University's privacy expectations.

#### Expectations of an Advisor

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

The 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.

#### Expectations of the Parties with Respect to Advisors

The Parties are expected to provide notice to the Title IX Coordinator when they choose an Advisor or otherwise would like to request a University-appointed Advisor. 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 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 should 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.

#### **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 University policy. Although there is an expectation of privacy around what Investigators share with the 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 as part of an Informal Resolution. Wilkes encourages the Parties to discuss any sharing of information with their Advisors before doing so.

#### Informal Resolution

Informal Resolution can include two different approaches:

- Accepted Responsibility
- Supportive Resolution

To initiate Informal Resolution, a Complainant needs to submit a Formal Complaint, as defined in the Policy. If a Respondent wishes to initiate Informal Resolution, they should contact the Title IX Coordinator to so indicate.

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. The parties may agree as a condition of engaging in Informal Resolution that statements made or evidence shared during the Informal Resolution process will not be considered in the Formal Grievance Process unless all parties consent

Prior to implementing Informal Resolution, the 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 the University.

The 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.

The Title IX Coordinator, in consultation with other University administrators, may look to the following factors to assess whether Informal Resolution is appropriate:

- Likelihood of potential resolution, taking into account any power dynamics between the Parties;
- The Parties' motivation to participate;
- Civility of the Parties;
- Results of an individualized risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Complaint complexity;
- Emotional investment/capability of the Parties;
- Rationality of the Parties;
- Goals of the Parties

The Title IX Coordinator maintains records of any Informal Resolution that is reached, and failure to abide by a resolution agreement may result in appropriate responsive/disciplinary actions.

#### 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 listed in the section above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the 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 the University's 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 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.

#### Supportive Resolution

When requested or agreed upon by the Complainant, the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

### **Formal Grievance Process**

#### Grievance Process Pool

The Formal Grievance Process relies on a pool of administrators ("the Pool") to carry out the process. Students, parents/guardians of students, employees, prospective students, and prospective employees can find Members of the Pool here: <https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/grievance-process-pool-training.aspx>.

#### Pool Member Roles

Members of the Pool are trained annually, and can serve 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;
- 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

In addition to the above-listed roles, the University Judicial Council (UJC) will serve as the Appeal Decision-maker in the Formal Grievance Process. The UJC is also trained annually and consists of the Dean of Students; faculty representatives; and staff representatives. If a member of the UJC is not available to serve on a given case (due to a demonstrated conflict-of-interest or otherwise), a member from the Grievance Process Pool may fill in.

For cases where the Respondent is an employee, those involved in the sanctioning process, such as the Provost, the Faculty Dismissal and Suspension Committee (faculty) and the appropriate Vice President, Department Chair, etc. (staff), will receive training in respect to the sanction-only process prior to issuing sanctions.

Likewise, the Faculty Appeals Committee, whom serve as the Appeal Decision-maker for faculty Respondents, will also be trained prior to hearing an appeal. If a member of the Faculty Appeals Committee is not available to serve on a given case (due to a demonstrated conflict-of-interest or otherwise), a member from the Grievance Process Pool or UJC may fill in.

The Title IX Coordinator, in consultation with other appropriate administrators, chooses who serves in the Pool. While 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, they may also be designated in permanent roles dependent on particular skills, aptitudes, training, or job positions.

The Title IX Coordinator may also assign any of the above-listed roles to be conducted by a trained outside (third-party) consultant.

#### Pool Member Training

The Pool members receive annual training, which includes, but is not limited to:

- The scope of the University's Equal Opportunity, Harassment, and Nondiscrimination 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;
- 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 the 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

All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here:

<https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/index.aspx>.

#### 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 the 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 the 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;
- Detail on how the party may request disability accommodations during the interview process;
- A link to the 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 allegations and/or 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 University records, or emailed to the Parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. Generally, University-issued email is the primary means of communication, however alternative methods of communication may also be utilized if requested.

#### Resolution Timeline

The 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.

#### Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator will notify an Investigator(s) who will initiate the formal investigation. Investigators will be chosen from the Grievance Process Pool or may be a trained outside investigator.

#### 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) for 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.

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.

The 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 (preponderance of evidence).

#### 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.

The 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.

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

The 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.

The 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. The University will promptly resume its investigation and resolution process as soon as feasible. During such a delay, the University will implement supportive measures as deemed appropriate.

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.

#### 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 by the Title IX Coordinator (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, if needed, 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;
- Work with the Title IX Coordinator, as necessary, to prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
  - 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 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;
- 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 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 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 the 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;
- 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 for their review and feedback;
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties 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.

#### Role and Participation of Witnesses in the Investigation

Witnesses who are employees of the University are strongly encouraged, but not required to cooperate with and participate in the University's investigation and resolution process.

Student witnesses are also strongly encouraged, but not required to cooperate with and participate in the University's investigation and resolution process.

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, telephone, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness, efficiency, or other reasons dictate a need for remote interviewing. The 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.

#### Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If the 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.

#### Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition; or 3) questions and evidence about the Complainant's 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.

Within the boundaries stated above, the investigation can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

#### 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 held 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-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student, and provide a copy of the investigation report. Allegations involving student-employees will be directed to the appropriate Decision-maker depending on the context of the alleged misconduct.

#### Hearing Decision-Maker Composition

The University will designate a single Decision-maker or 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 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.

#### 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) questions and evidence about the Complainant's sexual predisposition; or 3) questions or evidence about the Complainant's 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.

Within the boundaries stated above, the investigation can consider character evidence generally, if offered, but that evidence is unlikely to be relevant unless it is fact evidence or relates to a pattern of conduct.

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.

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.

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

#### 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;
- Description of 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(s) on the basis of demonstrated bias or conflict of interest. This must be raised with the Title IX Coordinator at least five (5) 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. For compelling reasons, the Title IX Coordinator or 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 the 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(s) 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 five (5) business days prior to the hearing;

Hearings for possible violations that occur near or after the end of an academic semester and are unable to be resolved prior to the end of the semester will typically be held immediately after the end of the semester or during the summer, as needed, to meet the resolution timeline followed by the University and remain within the sixty-to-ninety (60-90) business day goal for resolution.

#### 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.

#### Pre-Hearing Preparation

After any necessary consultation with the Parties, the Title IX Coordinator (or the Chair) will provide a list of the names of the Decision-maker(s), 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/or instruct that the investigation needs to be re-opened to consider that evidence.

All objections to any Decision-maker(s) 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 five (5) business days 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 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 Title IX Coordinator or Chair at a pre-hearing meeting or at the hearing and will be exchanged between each party by the Title IX Coordinator or the Chair.

#### Pre-Hearing Meetings

The Chair may convene a pre-hearing meeting(s) with the Parties and their Advisors to invite them to submit the questions or topics they 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 to 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 on a pre-hearing ruling by the Chair based on any new information or testimony offered at the hearing. The Chair must document and share their rationale for any exclusion or inclusion at this pre-hearing meeting.

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 preparation for the hearing. The Chair may consult with legal counsel and/or the Title IX Coordinator for procedural matters, or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded. The pre-hearing(s) meetings may be conducted as separate meetings with each party/advisor, with all parties/advisors present at the same time, remotely, or as a paper-only exchange. The Chair will work with the Parties to establish the format. The Chair will also work with the Title IX Coordinator to assure Policy/Procedure is followed.

#### Hearing Procedures

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

Participants at the hearing will include the Chair, any additional panelists, the Investigator(s) who conducted the investigation, the Parties, Advisors to the Parties, any called witnesses, the Title IX Coordinator and/or Deputy Title IX Coordinator (generally also serving as Hearing Facilitator), and anyone providing authorized accommodations, interpretation, and/or assistive services. The Chair and/or Title IX Coordinator 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.

#### 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.

#### 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 Chair 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 the Title IX Coordinator and/or Deputy Title IX Coordinator.

Accordingly, the Title IX Coordinator or Deputy Title IX Coordinator 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.

#### 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 then either remain present during the entire hearing process or thereafter be available as needed (in person or by previously agreed upon technology). The investigator will not be present 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 the Parties will refrain from discussion of or questions for investigators about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

#### Testimony and Questioning

Once the Investigator(s) present(s) the 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, directly, and in real-time. The proceeding will pause to allow the Chair to consider the question, 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(s) 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.

#### Refusal to Submit to Cross-Examination

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 it will be at the discretion of the Decision-maker(s) to weigh the probative value of previous statements by that party or witness.

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 collateral charges of policy violations other than sexual harassment/sexual misconduct are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement, 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 the University’s established rules of decorum for the hearing, the University may require the party to use a different Advisor. If a University-provided Advisor refuses to comply with the rules of decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

#### Recording Hearings

Hearings (but not deliberations) are recorded by the 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 the University will be permitted to listen to the recording or review at transcript of the recording in a controlled environment determined by the Title IX Coordinator, upon request. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

#### 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 majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used to make a finding. The hearing facilitator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally, not to address the substance of the allegations.

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, and credibility assessments.

This Statement 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.

### **Sanctioning**

#### Student Sanctions

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) will immediately engage in a determination of

sanctions. The Decision-maker(s) may consider any previously submitted party impact statements in determining appropriate sanction(s).

At the hearing, the Chair will give each of the Parties 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 the Title IX Coordinator and will determine the appropriate sanction(s). The Decision-maker(s) may consult with the Title IX Coordinator and/or Deputy Title IX Coordinator to gather general historical knowledge regarding a range of sanctions issued for the particular policy violation, in order to assure consistency. The sanctions and accompanying rationale, will be included in the Written Deliberation Statement as described above.

#### Employees

- a. Upon receipt of the Written Deliberation Statement from the Title IX Coordinator, the Provost (in consultation with the Dismissal & Suspension Committee) (faculty) or appropriate Vice President (in consultation with Supervisors/Department Chairs, etc.) (staff), shall work with the Hearing Chair to propose an appropriate sanction in response to the conclusions described in the Written Deliberation Statement. In carrying out their respective roles, these administrators shall have access to and may consult the hearing recording and consult with the hearing Decision-maker(s) should they seek further clarification on the findings, including credibility determinations. They will also consider previously submitted impact statements (submitted and reviewed by each party prior to or at the hearing) and any pertinent conduct history provided by the Title IX Coordinator.

Those involved in the sanctioning process may consult with the Title IX Coordinator and/or Deputy Title IX Coordinator to gather general historical knowledge regarding a range of sanctions issued for the particular policy violation, in order to assure consistency.

- b. Within five (5) business days following receipt of the Written Deliberation Statement from the Title IX Coordinator, the Provost (or designee), Vice President (or designee), or Hearing Chair shall deliver to the Title IX Coordinator, a written decision on sanctions which shall include both a determination on sanctions to be imposed and the rationale used in making such determination.
- c. The sanction imposed shall be made part of the Notice of Outcome issued as described below.

#### Notice of Outcome

Using the Deliberation Statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome letter. 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 7 - 10 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 University records, or emailed to the Parties' 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) alleged to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by the University from the receipt of the misconduct report to the determination, including any and all notifications to the Parties, interviews with the 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 the University is permitted to share such information under state or federal law; any sanctions issued which the University is permitted to share according to state or federal law; and whether remedies will be provided to the Complainant to ensure access to the University's educational or employment program or activity.

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

#### 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;
- 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.

#### Student Sanctions

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

- **Official Reprimand:** In instances of less serious deviation from the University norms of conduct the student is formally warned regarding the misconduct. The student is also notified that the consequences of such continued behavior could result in more serious disciplinary action.
- **Disciplinary Probation:** This action is a formal admonition on behalf of the University and is intended to clearly document to a student that their behavior has been deemed unacceptable. This action requires that students demonstrate, during a stipulated period of time, they are capable of functioning in such a way so as not to be in conflict with standards of behavior expected of students at Wilkes. Disciplinary probation alerts the students involved, and all concerned, that further conduct may result in curtailment of activities or suspension of residential and academic privileges.

- **Denial of Privileges:** This penalty precludes the student's participation in specified activities (e.g., student offices, student activities, use of University facilities or access to University facilities) for a period of time.
- **Restitution/Penalty Charges:** Charges will be assessed where restitution is due for damage to University or student property or property of an agent outside of the University. The charges assessed will be equal to the value of the property and any incurred labor charges.
- **Residential Suspension and Expulsion:** The first status indicates that a student is on final notice from the University that any further violation of regulations will lead to the student's suspension from University-owned residence halls. Further difficulties will lead to expulsion from the residence halls. Any student who has been suspended/expelled from the residence halls may not enter any University-owned residence halls without the express permission of the Dean of Students' Office.
- **Deferred Suspension:** This action is invoked in severe cases that might generally call for suspension, but consideration of mitigating circumstances warrants the student not be suspended at this time. If this sanction is invoked, it is understood that any further violation of University policy, even of a minor nature, could call for suspension from the University. A student who has been given a deferred suspension from the University may, at the discretion of the Student Affairs Council, be restricted from representing the University in any official capacity.
- **Disciplinary Suspension:** This penalty involves the involuntary separation of the student from the University for a specified period of time. It is invoked when a student, as a result of their actions, has forfeited the privilege of attending the University. Suspension from the University may range for a period of time up to two (2) years, including summer sessions and inter-sessions. Students who have been suspended may be required to meet certain conditions during the period of their suspension and must submit a letter to the Dean of Students' Office requesting readmission to the University. Students who have been suspended may not attend classes, be on University property, or participate in University-sponsored functions on or off campus during the period of suspension. Any exceptions require the explicit approval of the Dean of Students' Office.
- **Indefinite Suspension:** This sanction suspends the student from the University for a period of more than two (2) years.
- **Disciplinary Dismissal:** This action is one of involuntary separation of the student from the University and is permanent. It is the most severe disciplinary sanction imposed by the University.
- **Withholding Diploma:** The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

#### Employee Sanctions

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

- Employee termination from the University
- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated education
- Written reprimand in personnel file
- Removal from classroom teaching
- Tenure revocation
- Withhold salary increase (from one to several years)
- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position
- Verbal reprimand
- Required participation in counseling or training
- Demotion
- Change to reporting structure
- Reinstatement of an employment probationary period
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.
  - a. anticipated timeline
  - b. decision-making process for each type of disciplinary proceeding
  - c. how to file a disciplinary complaint including
    - i. contact information and the location of any forms
    - ii. options for filing a complaint (i.e., in-person, electronically, phone, etc.)

#### **Withdrawal or Resignation While Charges Pending**

##### Students:

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 withdraw from the University, the University will typically proceed with the Formal Grievance Process.

When determining to proceed with the Formal Grievance Process after a Respondent withdraws from the University, the Title IX Coordinator will base the decision on reasons that may include whether a Respondent poses an ongoing risk to the University's community, whether a determination regarding responsibility provides a benefit to the Complainant even where the University no longer has control over the Respondent and would be unable to issue disciplinary sanctions, or for other reasons.

The student who withdraws or leaves while the process is pending may be barred from University property and/or events during this time. Moreover, if the student is found to have violated this Policy, the student is not permitted to return to the University unless and until all sanctions have been satisfied.

The 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.

### Employees:

Should an employee Respondent resign with unresolved allegations pending, the resolution process ends with dismissal, as the University no longer has disciplinary jurisdiction over the resigned employee.

However, the 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, discrimination, and/or retaliation.

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

### 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 five (5) business days of the delivery of the Notice of Outcome.

A three-member panel chosen from the University Judicial Council will be designated to hear the appeal. This generally consists of the Dean of Students, one faculty representative and one staff representative. However, this is subject to change dependent on the circumstances on a case-by-case basis. For cases involving a faculty Respondent, three members from the Faculty Appeals Committee will be designated to hear the appeal. No appeal panelists will have been involved in the process previously, including in any dismissal appeal that may have been heard earlier in the process. A voting Chair of the Appeal Panel will be designated.

The Request for Appeal will be forwarded to the Appeal Chair or designee for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

### Resolution Timeline:

The 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 if any, 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.

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1. File a complaint with, or give verbal notice to the Title IX Coordinator/Deputy Coordinators or any Official with Authority, as listed above. Such a report may be made to an Official with Authority at their designated office, by email address, or by using the telephone number as listed in the University's Directory. Furthermore, a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.
2. Report online, using the reporting form posted here or employees can additionally access the University's Confidential Reporting Mechanism here. Those seeking to file an anonymous report may do so through the online mechanisms listed. These reports are accepted and the University will investigate to the extent possible, however, the response may be limited by the anonymous nature of the report. Furthermore, Wilkes tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and because the University respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the University to discuss and/or provide supportive measures.
3. Report to the Wilkes University Police Department:  
148 South Main Street  
Wilkes-Barre, PA 18766  
Telephone: 570-408-4999

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the institution investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed/signed by the Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Wilkes University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint, and requests that the University investigate the allegations.

When a complaint is submitted, the Title IX Coordinator may contact the Complainant to ensure that it is filed correctly. Moreover, when the Title IX Coordinator or another Official with Authority receives notice in any form, the Title IX Coordinator will contact the Complainant to offer the opportunity to file a Formal Complaint.

#### **Title IX Coordinator**

Nicole Langan, Ed.D.  
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#### **Deputy Title IX Coordinator – Faculty/Staff**

Kelly Beishline  
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#### **Deputy Title IX Coordinator – Students**

Phil Ruthkosky, Ph.D.  
Deputy Coordinator for Students  
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#### **Deputy Title IX Coordinator – Graduate and Online Students**

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Web: [www.wilkes.edu/titleix](http://www.wilkes.edu/titleix)

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

The Title IX Coordinator(s) 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).

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

#### Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) engages in an initial assessment, which is typically one to five (1-5) business days in duration. The steps in an initial assessment can include:

- 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 an individualized 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.
- 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 their request(s), 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, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
- If a Formal Grievance Process is preferred by the Complainant, the Title IX Coordinator determines if the misconduct alleged falls within the scope of the 2020 Title IX regulations:
  - 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 the alleged misconduct does not fall within the scope of the 2020 Title IX regulations, the Title IX Coordinator determines that Title IX regulations do not apply and will procedurally “dismiss” that aspect of the complaint under Title IX. The Title IX Coordinator then assesses which University policies may apply and refers the complaint to be processed under the appropriate resolution process. Please note that dismissing a complaint under Title IX is solely a procedural requirement under Title IX, and does not limit the University’s authority to address a complaint with an appropriate process and remedies.

[https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/\\_assets/2020-policies/process-a-procedures.pdf](https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/_assets/2020-policies/process-a-procedures.pdf)

“Process A” applies to:

- Qualifying allegations of Title IX Offenses (as defined above in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of Other Sexual Misconduct Offenses (as defined above in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of the above offenses that would otherwise be “dismissed” under Title IX due to jurisdictional classification (i.e. when the Complainant is a visitor or guest; the off-campus conduct affects a substantial University interest, or effectively deprives someone of access to Wilkes University’s educational program).

[https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/\\_assets/2020-policies/process-b-procedures.pdf](https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/_assets/2020-policies/process-b-procedures.pdf)

“Process B” applies to:

- Allegations of Protected Class Harassment (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- Allegations of Other Civil Rights Offenses (as defined in the Policy on Equal Opportunity, Harassment, and Nondiscrimination)
- These Procedures apply to conduct that takes place on the campus or on property owned or controlled by the University, at University-sponsored events, or in buildings owned or controlled by University recognized student organizations; and also to off-campus conduct that affects a substantial University interest or effectively deprives someone of access to Wilkes University’s educational program.

#### Rights of the Parties in an Institutional Proceeding:

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution’s policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution’s policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Grievance Process Pool  
The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Students, parents/guardians of students, employees, prospective students, and prospective employees can find Members of the Pool here.

- **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;
- 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

In addition to the above-listed roles, the University Judicial Council (UJC) will serve as the Appeal Decision-maker in the Formal Grievance Process. The UJC is also trained annually and consists of the Dean of Students; faculty representatives; and staff representatives. If a member of the UJC is not available to serve on a given case (due to a demonstrated conflict-of-interest or otherwise), a member from the Grievance Process Pool may fill in.

For cases where the Respondent is an employee, those involved in the sanctioning process, such as the Provost, the Faculty Dismissal and Suspension Committee (faculty) and the appropriate Vice President, Department Chair, etc. (staff), will receive training in respect to the sanction-only process prior to issuing sanctions.

Likewise, the Faculty Appeals Committee, whom serve as the Appeal Decision-maker for faculty Respondents, will also be trained prior to hearing an appeal. If a member of the Faculty Appeals Committee is not available to serve on a given case (due to a demonstrated conflict-of-interest or otherwise), a member from the Grievance Process Pool or UJC may fill in.

The Title IX Coordinator, in consultation with other appropriate administrators, chooses who serves in the Pool. While 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, they may also be designated in permanent roles dependent on particular skills, aptitudes, training, or job positions.

The Title IX Coordinator may also assign any of the above-listed roles to be conducted by a trained outside (third-party) consultant.

- **Pool Member Training**

The Pool members receive annual training (jointly or based on their respective roles), which includes, but is not limited to:

- The scope of the University's Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures;
  - How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability;
  - Implicit bias;
  - Disparate treatment;
  - 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;
  - 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 the 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;
  - How to serve in the role of Advisor for either party;
  - 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
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
  4. Have the outcome determined using the preponderance of the evidence standard.
  5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

## **Possible Sanctions or Protective Measures that the University May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

### Student Sanctions

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

- **Official Reprimand:** In instances of less serious deviation from the University norms of conduct the student is formally warned regarding the misconduct. The student is also notified that the consequences of such continued behavior could result in more serious disciplinary action.
- **Disciplinary Probation:** This action is a formal admonition on behalf of the University and is intended to clearly document to a student that their

behavior has been deemed unacceptable. This action requires that students demonstrate, during a stipulated period of time, they are capable of functioning in such a way so as not to be in conflict with standards of behavior expected of students at Wilkes. Disciplinary probation alerts the students involved, and all concerned, that further conduct may result in curtailment of activities or suspension of residential and academic privileges.

- **Denial of Privileges:** This penalty precludes the student's participation in specified activities (e.g., student offices, student activities, use of University facilities or access to University facilities) for a period of time.
- **Restitution/Penalty Charges:** Charges will be assessed where restitution is due for damage to University or student property or property of an agent outside of the University. The charges assessed will be equal to the value of the property and any incurred labor charges.
- **Residential Suspension and Expulsion:** The first status indicates that a student is on final notice from the University that any further violation of regulations will lead to the student's suspension from University-owned residence halls. Further difficulties will lead to expulsion from the residence halls. Any student who has been suspended/expelled from the residence halls may not enter any University-owned residence halls without the express permission of the Dean of Students' Office.
- **Deferred Suspension:** This action is invoked in severe cases that might generally call for suspension, but consideration of mitigating circumstances warrants the student not be suspended at this time. If this sanction is invoked, it is understood that any further violation of University policy, even of a minor nature, could call for suspension from the University. A student who has been given a deferred suspension from the University may, at the discretion of the Student Affairs Council, be restricted from representing the University in any official capacity.
- **Disciplinary Suspension:** This penalty involves the involuntary separation of the student from the University for a specified period of time. It is invoked when a student, as a result of their actions, has forfeited the privilege of attending the University. Suspension from the University may range for a period of time up to two (2) years, including summer sessions and inter-sessions. Students who have been suspended may be required to meet certain conditions during the period of their suspension and must submit a letter to the Dean of Students' Office requesting readmission to the University. Students who have been suspended may not attend classes, be on University property, or participate in University-sponsored functions on or off campus during the period of suspension. Any exceptions require the explicit approval of the Dean of Students' Office.
- **Indefinite Suspension:** This sanction suspends the student from the University for a period of more than two (2) years.
- **Disciplinary Dismissal:** This action is one of involuntary separation of the student from the University and is permanent. It is the most severe disciplinary sanction imposed by the University.
- **Withholding Diploma:** The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities as a sanction if the student is found responsible for an alleged violation.
- **Revocation of Degree:** The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

#### Employee Sanctions

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

- Employee termination from the University
- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated education
- Written reprimand in personnel file
- Removal from classroom teaching
- Tenure revocation
- Withhold salary increase (from one to several years)
- Removal of endowed chair
- Removal of emeritus status
- Removal of graduate school status
- Termination of research project funding
- Removal from administrative position
- Verbal reprimand
- Required participation in counseling or training
- Demotion
- Change to reporting structure
- Reinstatement of an employment probationary period
- Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Wilkes will offer and implement appropriate and reasonable supportive measures to the Parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available. They are offered without fee or charge to the Parties to restore or preserve access to Wilkes University's education program or activity, including measures designed to protect the safety of all parties and/or the institution's educational environment, and/or to deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator will promptly make supportive measures available to the Complainant upon receiving notice or a complaint and will work with them to ensure that their wishes are taken into account with respect to the planning and implementation of such measures. At the time that supportive measures are offered, the Title IX Coordinator will inform the Complainant, in writing, that they may file a Formal Complaint with the University either at that time or in the future, if they have not done so already.

Wilkes will maintain the privacy of the supportive measures, provided that privacy does not impair the University's ability to provide those supportive measures. Wilkes will act to ensure as minimal an academic impact on the Parties as possible. The University will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services;
- Referral to the Employee Assistance Program;
- Referral to community-based service providers such as the Victim Resource Center and Domestic Violence Service Center;
- Visa and immigration assistance;
- Student financial aid counseling;
- Education to the community or community subgroup(s);
- Altering campus housing assignment(s);
- Altering work arrangements for employees or student-employees;
- Safety planning;
- Providing campus safety escorts;
- Providing transportation accommodations;
- Implementing contact limitations (no contact orders) between the parties;
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Trespass or Persona Non Grata (PNG) orders;
- Connection to local resources for help on how to obtain a Protection from Abuse or Sexual Violence Protection Order;
- Timely warnings;
- Class schedule modifications, withdrawals, or leaves of absence;
- Increased security and monitoring of certain areas of the campus;
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

#### Publicly Available Recordkeeping:

The University will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

#### Victims to Receive Written Notification of Rights:

When a student or employee reports to the University that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

## **NOTIFICATION OF VICTIMS OF CRIMES OF VIOLENCE**

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

## **SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION**

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

In the Commonwealth of Pennsylvania, information regarding registered sex offenders who are subject to community notification may be obtained from a community member's respective local municipal police agency and/or the Pennsylvania State Police. This information can also be obtained by visiting the Pennsylvania State Police's Megan's Law website at: <http://www.pameganslaw.state.pa.us/>

## **MISSING STUDENT NOTIFICATION PROCEDURES AND POLICIES**

The University has adopted a missing student notification policy for students residing in University owned and controlled (leased or rented) residential facilities. In addition to registering a general emergency contact, all students residing in student housing facilities have the option to annually register confidential contact information for a person to be notified by the University in the event the student is officially reported as missing by completing Wilkes University's "Update Emergency Contacts" on the student portal webpage. The University will ensure that all students are able to update their contact information whenever needed. These procedures and registration process are communicated to students when registering at the beginning of each academic year. The contact information will be confidential, accessible only by authorized campus officials and law enforcement, and may not be disclosed outside a missing person investigation.

If a student has identified such an individual, UPD or Residence Life officials will notify that individual no later than 24 hours after the student is determined to be missing.

If a member of the University community has reason to believe that a student who resides in University owned or controlled student housing has been missing for 24-hours, they should notify:

- Call the WUPD by dialing 570-408-4999 or on-campus extension 4999
- Report in person to the WUPD at the Wilkes University Public Safety Center located at 148 South Main Street
- Contact the Director of Residence Life by dialing 570-408-4350 or on-campus extension 4350, or in person at the Office of Residence Life, located in Max Roth, second floor

- Contact the Dean of Students dialing 570-408-4100 or on-campus extension 4100, or in person at the Office of Student Affairs in Passan Hall, third floor

All missing student reports must be referred immediately to WUPD at: 570-408-4999. WUPD will generate a Missing Person report and initiate an investigation.

After investigating the Missing Person report, should WUPD determine that the student is missing and has been missing for more than 24 hours (regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor), WUPD or a representative from Residence Life will notify the Wilkes-Barre City Police Department or law enforcement authority with jurisdiction and the student's emergency contact unless the local law enforcement agency was the entity that made the determination that the student was missing.

If the missing person is under the age of 18 and is not an emancipated individual, WUPD or a representative from Residence Life must and will notify the student's custodial parent or legal guardian, the missing person contact, and the Wilkes-Barre City Police or local law enforcement with jurisdiction immediately after

WUPD has determined that the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student. This will occur no later than 24 hours after the determination is made.

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

## **SECURITY AWARENESS, CRIME PREVENTION AND EDUCATION**

Wilkes University provides a number of services and programs to the campus community to ensure the safety and security of our campus affiliates. Our services strive to emphasize proactive measures in order to minimize the need for reactive responses. We must all take responsibility for our own safety and the safety of others. Promptly and accurately reporting any and all criminal acts, dangerous situations and suspicious behaviors greatly assists in the provision of a safe campus community.

Security Awareness Programs are sponsored by various campus groups (including, but not limited to, the WUPD, the University Health & Wellness Services Office, the Office of Residence Life, and Student Development) throughout the academic year, and targeted towards the entire campus community (students, faculty, and staff).

1. All first-year resident students are required to attend residence hall meetings in September, where they are informed of all safety, fire, and security procedures and precautions.
2. Campus Advisory Reporting Extension or "C.A.R.E." is a program designed to allow anyone in the campus community to phone in anonymous information regarding safety and security concerns (e.g. potentially dangerous situations, suspected criminal activity, etc.) both on campus and in the community. If making the report from an on-campus phone, dial CARE (2273); or if making a report from an off-campus phone, dial 570-408-CARE (2273). All calls will be fielded by a digital answering system, which will not be able to identify the incoming caller's extension or phone number. Each message received will be handled by the WUPD. Additionally, each message will be logged and given its due attention and follow-up.
3. WUPD in collaboration with Residence Life and Health & Wellness Services, conducts programs for students throughout the calendar year to raise awareness of certain dangers of campus life, such as, but not limited to, Alcohol Awareness Week, Sexual Assault Awareness Week, and the "Take Back the Night" program.
4. "The Light Walk" At the beginning of each Fall semester, members of the WUPD, Student Affairs, Facilities Services and Student Government tour the campus for the purpose of ascertaining any additional needs for outdoor lighting or other factors which will enhance campus safety and security. The items that require repairs are taken care of immediately, while new requests are prioritized based on importance and facility needs.
5. The "Avoid, Deny, Defend" curriculum taught in ALERRT training has been adopted for all university publications and presentations dealing with active shooter events and is highlighted in our Emergency Management 101 training for faculty, staff, and Residence Life mentors.
6. All first-year students must complete an online course where they learn about the Student Handbook and the university's code of conduct. Each student must complete a quiz with a passing grade of 80% or higher. This teaches students about alcohol and drug use/misuse, computer software use/misuse, academic integrity, sexual misconduct, and other key concepts to help them better adjust to university life. Students who fail the quiz, or do not attempt to take it, are required to attend a session which covers all Student Handbook topics.

## PENNSYLVANIA UNIFORM CRIME REPORTING ACT STATISTICS (TABLE 1)

January 1, 2023 through December 31, 2025

In addition to the crime statistics required by the Clery Act, the Pennsylvania Uniform Crime Reporting (UCR) Act requires the release of crime statistics and their rates to students, employees, new employees and applicants for admission. The index rate is calculated based on the actual number of Full Time Equivalent (FTE) students and employees, calculated according to a state-mandated formula and includes statistics from a geographic area that extends beyond the campus. These statistics reported reflect crimes as reported to the Wilkes University Police Department and are compiled in accordance with the Pennsylvania College and University Security Act of 1988.

| CLASSIFICATION OF OFFENSE             | 2025 (FTE=4263) |            | 2024 (FTE=4201) |            | 2023 (FTE=4027) |            |
|---------------------------------------|-----------------|------------|-----------------|------------|-----------------|------------|
|                                       | Actual Offenses | Crime Rate | Actual Offenses | Crime Rate | Actual Offenses | Crime Rate |
| <b>PART I OFFENSES</b>                |                 |            |                 |            |                 |            |
| <b>1. Criminal Homicide (total)</b>   | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   |
| 1a. Murder & Non-Negligent Homicide   | 0               | 0          | 0               | 0          | 0               | 0          |
| 1b. Manslaughter by Negligence        | 0               | 0          | 0               | 0          | 0               | 0          |
| <b>2. Rape (total)</b>                | <b>0</b>        | <b>0</b>   | <b>2</b>        | <b>48</b>  | <b>1</b>        | <b>25</b>  |
| 2a. Rape                              | 0               | 0          | 2               | 48         | 1               | 25         |
| 2b. Attempts to Commit Rape           | 0               | 0          | 0               | 0          | 0               | 0          |
| <b>3. Robbery (total)</b>             | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   |
| 3a. Firearm                           | 0               | 0          | 0               | 0          | 0               | 0          |
| 3b. Knife or Cutting Instrument       | 0               | 0          | 0               | 0          | 0               | 0          |
| 3c. Other Dangerous Weapon            | 0               | 0          | 0               | 0          | 0               | 0          |
| 3d. Strong-Arm (Hands, Feet, etc.)    | 0               | 0          | 0               | 0          | 0               | 0          |
| <b>4. Assault (total)</b>             | <b>0</b>        | <b>0</b>   | <b>1</b>        | <b>24</b>  | <b>1</b>        | <b>25</b>  |
| 4a. Firearm                           | 0               | 0          | 0               | 0          | 0               | 0          |
| 4b. Knife or Cutting Instrument       | 0               | 0          | 0               | 0          | 0               | 0          |
| 4c. Other Dangerous Weapon            | 0               | 0          | 0               | 0          | 0               | 0          |
| 4d. Strong-Arm (Hands, Feet, etc.)    | 0               | 0          | 0               | 0          | 0               | 0          |
| 4e. Other Assaults - Not Aggravated   | 0               | 0          | 1               | 24         | 1               | 25         |
| <b>5. Burglary (total)</b>            | <b>0</b>        | <b>0</b>   | <b>2</b>        | <b>48</b>  | <b>0</b>        | <b>0</b>   |
| 5a. Forcible Entry                    | 0               | 0          | 1               | 24         | 0               | 0          |
| 5b. Unlawful Entry - No Force         | 0               | 0          | 1               | 24         | 0               | 0          |
| 5c. Attempted Forcible Entry          | 0               | 0          | 0               | 0          | 0               | 0          |
| <b>6. Larceny/Theft</b>               | <b>14</b>       | <b>349</b> | <b>15</b>       | <b>357</b> | <b>11</b>       | <b>273</b> |
| <b>7. Motor Vehicle Theft (total)</b> | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   |
| 7a. Autos                             | 0               | 0          | 0               | 0          | 0               | 0          |
| 7b. Trucks & Buses                    | 0               | 0          | 0               | 0          | 0               | 0          |
| 7c. Other Vehicles                    | 0               | 0          | 0               | 0          | 0               | 0          |
| <b>8. Human Trafficking</b>           | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   |
| <b>9. Arson</b>                       | <b>0</b>        |            | <b>0</b>        | <b>0</b>   | <b>0</b>        | <b>0</b>   |
| <b>TOTAL PART I OFFENSES</b>          | <b>14</b>       |            | <b>20</b>       |            | <b>13</b>       |            |

| CLASSIFICATION OF OFFENSE                         | 2025 (FTE=4263) |              | 2024 (FTE=4201) |             | 2023 (FTE=4027) |              |
|---------------------------------------------------|-----------------|--------------|-----------------|-------------|-----------------|--------------|
|                                                   | Actual Offenses | Crime Rate   | Actual Offenses | Crime Rate  | Actual Offenses | Crime Rate   |
| <b>PART II OFFENSES</b>                           |                 |              |                 |             |                 |              |
| <b>10. Forgery &amp; Counterfeiting</b>           | <b>10</b>       | <b>249</b>   | <b>2</b>        | <b>48</b>   | <b>1</b>        | <b>25</b>    |
| <b>11. Fraud</b>                                  | <b>2</b>        | <b>50</b>    | <b>3</b>        | <b>71</b>   | <b>0</b>        | <b>0</b>     |
| <b>12. Embezzlement</b>                           | <b>0</b>        | <b>0</b>     | <b>0</b>        | <b>0</b>    | <b>0</b>        | <b>0</b>     |
| <b>13. Stolen Prop., Rec., Possess., Buying</b>   | <b>3</b>        | <b>75</b>    | <b>1</b>        | <b>24</b>   | <b>0</b>        | <b>0</b>     |
| <b>14. Vandalism</b>                              | <b>7</b>        | <b>174</b>   | <b>8</b>        | <b>190</b>  | <b>4</b>        | <b>99</b>    |
| <b>15. Weapons; Carrying, Possessing, etc.</b>    | <b>0</b>        | <b>0</b>     | <b>0</b>        | <b>0</b>    | <b>0</b>        | <b>0</b>     |
| <b>16. Prostitution &amp; Commercialized Vice</b> | <b>0</b>        | <b>0</b>     | <b>0</b>        | <b>0</b>    | <b>0</b>        | <b>0</b>     |
| <b>17. Sex Offenses (except 2 and 16)</b>         | <b>2</b>        | <b>50</b>    | <b>1</b>        | <b>24</b>   | <b>1</b>        | <b>25</b>    |
| <b>18. Drug Abuse Violations (total)</b>          | <b>23</b>       | <b>573</b>   | <b>5</b>        | <b>119</b>  | <b>9</b>        | <b>224</b>   |
| 18a. Sale/Mfg: Opium-Cocaine                      | 0               | 0            | 0               | 0           | 0               | 0            |
| 18b. Sale/Mfg: Marijuana                          | 0               | 0            | 0               | 0           | 0               | 0            |
| 18c. Sale/Mfg: Synthetic                          | 0               | 0            | 0               | 0           | 0               | 0            |
| 18d. Sale/Mfg: Other                              | 0               | 0            | 0               | 0           | 0               | 0            |
| 18e. Possession: Opium-Cocaine                    | 0               | 0            | 0               | 0           | 0               | 0            |
| 18f. Possession: Marijuana                        | 22              | 548          | 5               | 119         | 9               | 224          |
| 18g. Possession: Synthetic                        | 0               | 0            | 0               | 0           | 0               | 0            |
| 18h. Possession: Other                            | 1               | 25           | 0               | 0           | 1               | 25           |
| <b>19. Gambling (total)</b>                       | <b>0</b>        | <b>0</b>     | <b>0</b>        | <b>0</b>    | <b>0</b>        | <b>0</b>     |
| 19a. Book Making                                  | 0               | 0            | 0               | 0           | 0               | 0            |
| 19b. Numbers, etc.                                | 0               | 0            | 0               | 0           | 0               | 0            |
| 19c. Other                                        | 0               | 0            | 0               | 0           | 0               | 0            |
| <b>20. Offenses Against Family &amp; Children</b> | <b>0</b>        | <b>0</b>     | <b>0</b>        | <b>0</b>    | <b>0</b>        | <b>0</b>     |
| <b>21. Driving Under the Influence</b>            | <b>0</b>        | <b>0</b>     | <b>0</b>        | <b>0</b>    | <b>0</b>        | <b>0</b>     |
| <b>22. Liquor Laws</b>                            | <b>51</b>       | <b>1270</b>  | <b>72</b>       | <b>1714</b> | <b>7</b>        | <b>174</b>   |
| <b>23. Drunkenness</b>                            | <b>0</b>        | <b>0</b>     | <b>2</b>        | <b>48</b>   | <b>2</b>        | <b>50</b>    |
| <b>24. Disorderly Conduct</b>                     | <b>10</b>       | <b>249</b>   | <b>17</b>       | <b>405</b>  | <b>5</b>        | <b>124</b>   |
| <b>25. Vagrancy</b>                               | <b>4</b>        | <b>100</b>   | <b>1</b>        | <b>24</b>   | <b>3</b>        | <b>75</b>    |
| <b>26. All Other Offenses (except traffic)</b>    | <b>24</b>       | <b>598</b>   | <b>25</b>       | <b>595</b>  | <b>13</b>       | <b>323</b>   |
| <b>TOTAL PART II OFFENSES</b>                     | <b>136</b>      |              | <b>137</b>      |             | <b>45</b>       |              |
|                                                   |                 |              |                 |             |                 |              |
| <b>GRAND TOTAL FOR ALL OFFENSES</b>               | <b>150</b>      | <b>3,737</b> | <b>157</b>      | <b>3737</b> | <b>58</b>       | <b>1,440</b> |

| FTE FACULTY, STAFF, & STUDENTS |              |              |              |
|--------------------------------|--------------|--------------|--------------|
| Headcount Enrollment           | 2025         | 2024         | 2023         |
| Full-Time Faculty              | 164          | 166          | 162          |
| Part-Time/Adjunct Faculty      | 305          | 262          | 250          |
| Full-Time Staff                | 374          | 376          | 359          |
| Part-Time Staff                | 136          | 144          | 160          |
| Full-Time Students             | 2394         | 2,374        | 2,352        |
| Part-Time Students             | 3095         | 3,007        | 2,846        |
| <b>Total Headcount</b>         | <b>6,468</b> | <b>6,329</b> | <b>6,129</b> |
| Full Time Equivalent           | 2025         | 2024         | 2023         |
| Faculty/Staff FTE              | 685          | 677          | 287          |
| Student FTE                    | 3,578        | 3,524        | 3,301        |
| <b>*Total FTE</b>              | <b>4,263</b> | <b>4,201</b> | <b>4,027</b> |

\* NOTE: The crime rate is based on the actual number of full-time equivalent (FTE) students and employees, which is calculated according to a state-mandated formula. The index in the table above is based on incidents reported per 100,000 FTEs.

## ANNUAL CLERY CRIME SUMMARY AND STATISTICS

The Clery Act (20 U.S.C. § 1092(f)) is a federal law that requires colleges and universities to disclose information about crime on and around their campuses. The Clery Act requires institutions to include four general categories of crime statistics:

### ***Criminal Offenses, including***

- Criminal Homicide
  - Murder/Non-Negligent Manslaughter
  - Negligent By Manslaughter
- Sexual Assault, including
  - Rape
  - Fondling
  - Incest
  - Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

### ***Hate Crimes***

### ***VAWA Offenses***

- Domestic violence
- Dating violence
- Stalking

### ***Arrests & Referrals***

- Weapons Law Violations
- Drug Law Violations
- Liquor Law Violations

Under the Clery Act, for the purposes of counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics institutions must do so based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. For the categories of Domestic Violence, Dating Violence, and Stalking, the Clery Act specifies that institutions must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Department's Clery Act regulations.

The law requires the release of statistics by category of prejudice concerning the occurrence of hate crimes in the crime classifications listed above, and for other crimes involving bodily injury to any person in which the victim is selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity, disability, gender identity, or national origin of the victim. Hate Crimes are any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.

The statistics presented on the following pages are provided in compliance under federal law with the specific time periods, classifications, geographic categories, and arrest data. (Please note that incidents shown in the On-Campus Residential category are also counted in the statistics shown in the Campus category).

### **Clery Act Crime Definitions**

**Murder/Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter by Negligence:** the killing of another person through gross negligence.

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

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

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

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

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

**Weapon Law Violations:** 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.

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

**Liquor Law Violations:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

#### **VAWA CRIMES**

**Dating Violence:** The term “dating violence” means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship (ii) The type of relationship (iii) The frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking:** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

#### **SEX OFFENSES**

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

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

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

#### **HATE CRIMES**

**Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, injure, damage, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

**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.

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

#### **Geography Definitions from the Clery Act**

The Clery Act requires institutions to disclose statistics for reported Clery Act crimes that occur (1) on campus, (2) on public property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or property that your institution owns or controls. The definitions for these geographic categories are Clery Act-specific and defined as:

**Campus:** “any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and property within the same reasonably contiguous geographic area of the institution and is owned by the institution but controlled by another person, is used by students, and supports the institutional purposes, such as a food or other retail vendor.”

**On-Campus Residential:** a sub-category of Campus that reflects the number of on-campus incidents that occur “in dormitories or other residential facilities for students on campus.”

**Non-Campus:** “any building or property owned or controlled by a student organization recognized by the institution; and any building or property, other than a branch campus, owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is used by students, and is not within the same reasonable contiguous geographic area of the institution.”

**Public Property:** “all public property that is within the same reasonably contiguous geographic area of the institution, such as a sidewalk, a street, other thoroughfare or parking facility, and is adjacent to a facility owned or controlled by the institution if the facility is used by the institution in direct support of, or in a manner related to the institution's educational purposes.”

## CLERY CRIME STATISTICS (TABLE 2)

January 1, 2023 through December 31, 2025

Note that incidents shown in the On-Campus Residential category are also included in the statistics shown in the On-Campus category.

| Crime Classification              | Campus |      |      | On-Campus Residential |      |      | Non-Campus |      |      | Public Property |      |      |
|-----------------------------------|--------|------|------|-----------------------|------|------|------------|------|------|-----------------|------|------|
|                                   | 2025   | 2024 | 2023 | 2025                  | 2024 | 2023 | 2025       | 2024 | 2023 | 2025            | 2024 | 2023 |
| Murder/Non-negligent Manslaughter | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Manslaughter By Negligence        | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Sex Offenses</b>               |        |      |      |                       |      |      |            |      |      |                 |      |      |
| Rape                              | 0      | 2    | 1    | 0                     | 2    | 1    | 0          | 0    | 0    | 0               | 0    | 0    |
| Fondling                          | 1      | 1    | 0    | 0                     | 1    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Incest                            | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Statutory Rape                    | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Robbery                           | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Aggravated Assault                | 0      | 1    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 1    | 1    |
| Burglary                          | 0      | 2    | 1    | 0                     | 1    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Motor Vehicle Theft               | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Arson                             | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>VAWA Offense</b>               |        |      |      |                       |      |      |            |      |      |                 |      |      |
| Domestic Violence                 | 0      | 1    | 0    | 0                     | 1    | 0    | 0          | 0    | 0    | 1               | 0    | 0    |
| Dating Violence                   | 0      | 1    | 0    | 0                     | 1    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Stalking                          | 3      | 3    | 0    | 1                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Arrests</b>                    |        |      |      |                       |      |      |            |      |      |                 |      |      |
| Liquor-Law Violations             | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Drug Abuse Violations             | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| Weapons Law Violations            | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |
| <b>Disciplinary Referrals</b>     |        |      |      |                       |      |      |            |      |      |                 |      |      |
| Liquor-Law Violations             | 51     | 72   | 17   | 50                    | 72   | 16   | 0          | 0    | 0    | 0               | 0    | 0    |
| Drug Abuse Violations             | 26     | 10   | 22   | 25                    | 10   | 22   | 0          | 0    | 0    | 0               | 0    | 0    |
| Weapons Law Violations            | 0      | 0    | 0    | 0                     | 0    | 0    | 0          | 0    | 0    | 0               | 0    | 0    |

### Hate Crimes

**2025** – No reports of Hate Crimes

**2024** – No reports of Hate Crimes

**2023** – No reports of Hate Crimes

Hate crime statistics are not collected or reported for Liquor, Drug, or Weapons Law Violations nor for Domestic Violence, Dating Violence, or Stalking.

Crimes include: Murder/Non-negligent Manslaughter, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of property.

Biases include: Race, Religion, Gender, Disability, Sexual Orientation, Ethnicity, National Origin, and Gender Identity.

In 2025, 2024, and 2023, no Clery Act Crimes were “unfounded” and subsequently withheld from the crime statistics presented in this report.

## ANNUAL FIRE SAFETY REPORT

Wilkes University student housing facilities have a variety of fire safety features, as indicated below. All residence halls have automatic fire sprinkler systems, fire and smoke alarm systems (which notify the University Police Department's central monitoring station), fire extinguishers, and fire rated doors.

| 2025 FIRE SAFETY SYSTEMS |                                                         |                       |                         |                           |                  |                                         |
|--------------------------|---------------------------------------------------------|-----------------------|-------------------------|---------------------------|------------------|-----------------------------------------|
| Residence Hall           | Fire Alarm Monitoring Done on Site by University Police | Fire Sprinkler System | Smoke Detection Systems | Fire Extinguisher Devices | Evacuation Plans | Number of Fire Drills Conducted in 2025 |
| 77 West                  | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Catlin Hall              | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Fortinsky Hall           | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Michelini Hall           | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Pearsall Hall            | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Rifkin Hall              | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Roth Hall                | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Schiowitz Hall           | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Slocum Hall              | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Sterling Hall            | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Sturdevant Hall          | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Sullivan Hall            | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| University Towers        | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Waller North             | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Waller South             | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| Weiss Hall               | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| William Evans Hall       | X                                                       | X                     | X                       | X                         | X                | 2                                       |
| 40 West (YMCA)           | No                                                      | X                     | X                       | X                         | X                | 0                                       |

In 2025, the University conducted a total of 34 fire drills in the residence halls.

| FIRE STATISTICS JANUARY 2025 - DECEMBER 2025 |             |             |      |      |               |          |        |                 |             |
|----------------------------------------------|-------------|-------------|------|------|---------------|----------|--------|-----------------|-------------|
| Residence Hall                               | Total Fires | Fire Number | Date | Time | Cause of Fire | Injuries | Deaths | Property Damage | Case Number |
| 77 West                                      | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Catlin Hall                                  | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Fortinsky Hall                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Michelini Hall                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Pearsall Hall                                | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Rifkin Hall                                  | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Roth Hall                                    | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Schiowitz Hall                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Slocum Hall                                  | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Sterling Hall                                | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Sturdevant Hall                              | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Sullivan Hall                                | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| University Towers                            | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Waller North                                 | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Waller South                                 | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Weiss Hall                                   | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| William Evans Hall                           | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| 40 West (YMCA)                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |

| FIRE STATISTICS JANUARY 2024 - DECEMBER 2024 |             |             |      |      |               |          |        |                 |             |
|----------------------------------------------|-------------|-------------|------|------|---------------|----------|--------|-----------------|-------------|
| Residence Hall                               | Total Fires | Fire Number | Date | Time | Cause of Fire | Injuries | Deaths | Property Damage | Case Number |
| 77 West                                      | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Catlin Hall                                  | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Fortinsky Hall                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Michelini Hall                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Pearsall Hall                                | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Rifkin Hall                                  | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Roth Hall                                    | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Schiowitz Hall                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Slocum Hall                                  | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Sterling Hall                                | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Sturdevant Hall                              | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Sullivan Hall                                | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| University Towers                            | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Waller North                                 | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Waller South                                 | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| Weiss Hall                                   | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| William Evans Hall                           | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |
| 40 West (YMCA)                               | 0           | N/A         | N/A  | N/A  | N/A           | N/A      | N/A    | N/A             | N/A         |

| FIRE STATISTICS JANUARY 2023 - DECEMBER 2023 |             |             |            |         |               |          |        |                 |              |
|----------------------------------------------|-------------|-------------|------------|---------|---------------|----------|--------|-----------------|--------------|
| Residence Hall                               | Total Fires | Fire Number | Date       | Time    | Cause of Fire | Injuries | Deaths | Property Damage | Case Number  |
| 77 West                                      | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Catlin Hall                                  | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Doane Hall                                   | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Fortinsky Hall                               | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Michelini Hall                               | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Pearsall Hall                                | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Rifkin Hall                                  | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Ross Hall                                    | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Roth Hall                                    | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Schiowitz Hall                               | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Slocum Hall                                  | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Sterling Hall                                | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Sturdevant Hall                              | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Sullivan Hall                                | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| University Towers                            | 1           | 1           | 05/03/2023 | 8:32 PM | Cooking Oil   | 0        | 0      | \$0.00          | 202305030156 |
| Waller North                                 | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Waller South                                 | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| Weiss Hall                                   | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| William Evans Hall                           | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |
| 40 West (YMCA)                               | 0           | N/A         | N/A        | N/A     | N/A           | N/A      | N/A    | N/A             | N/A          |

#### University Residence Hall Addresses

**40 West (YMCA)** - 40 W. Northampton St. Wilkes-Barre, PA 18701  
**77 West** - 77 West Northampton St. Wilkes-Barre, PA 18766  
**Catlin Hall** - 92 S. River St. Wilkes-Barre, PA 18766  
**Fortinsky Hall** - 225-227-229 S. Franklin St. Wilkes-Barre, PA 18766  
**Michelini Hall** - 80 W. River St. Wilkes-Barre, PA 18766  
**Pearsall Hall** - 109 S. Franklin St. Wilkes-Barre PA 18766  
**Rifkin Hall** - 80 S. River St. Wilkes-Barre, PA 18766  
**Roth Hall** - 68-74 W. Northampton St. Wilkes-Barre, PA 18766  
**Schiowitz Hall** - 217-219 S. Franklin St. Wilkes-Barre, PA 18766

**Slocum Hall** - 262-264 S. River St. Wilkes-Barre, PA 18766  
**Sterling Hall** - 72 S. River St. Wilkes-Barre, PA 18766  
**Sturdevant Hall** - 129-131 S. Franklin St. Wilkes-Barre, PA 18766  
**Sullivan Hall** - 271-273 S. River St. Wilkes-Barre, PA 18766  
**University Towers** - 10 E. South St. Wilkes-Barre, PA 18766  
**Waller Hall North** - 36 W. River St. Wilkes-Barre, PA 18766  
**Waller Hall South** - 40 W. River St. Wilkes-Barre, PA 18766  
**Weiss Hall** - 98 S. River St. Wilkes-Barre, PA 18766  
**William Evans Hall** - 110 S. River St. Wilkes-Barre, PA 18766

## CAMPUS FIRE SAFETY RIGHT TO KNOW ACT

The Campus Fire Safety Right-to-Know Act is an amendment to the Higher Education Opportunity Act. This amendment serves to increase campus fire safety awareness across the nation, providing students and their families with the fire safety records of colleges/universities. Signed into law by President George W. Bush on August 14, 2008, this amendment requires post-secondary institutions to publicly display fire safety information and statistics, much as they already do with other safety statistics, such as campus theft and assault. This information provides prospective and current students of the policies, concerns, and fire safety conditions that are present at the institution in which they have applied or are enrolled.

### Fire Log

WUPD maintains a combined Daily Crime and Fire Log of all incidents reported. This includes all crimes, fire-related incidents, and other serious incidents that occur on Wilkes University campus, and also including areas jointly patrolled by WUPD and the Wilkes-Barre City Police Department, non-campus buildings, and public property immediately adjacent to campus property.

The Daily Crime and Fire Log includes the incident type, the date incident is reported, date and time of occurrence, general location of the incident, and the incident disposition. WUPD posts specific incidents in the Daily Crime and Fire Log within two (2) business days of receiving an incident report, and reserves the right to exclude from the Log, as permitted by law in certain circumstances. The University does not publish the name of crime victims nor house identifiable information regarding victims in the Daily Crime Log.

The most current sixty (60) days of information is available in the Wilkes University Public Safety Center lobby, 148 South Main Street. WUPD also maintains a seven-year (7) archive of the Daily Crime and Fire Log. Requests for information older than sixty (60) days must be directed to the WUPD Lieutenant of Support Operations. Information will be made available within two (2) business days of a request for public inspection.

### Reporting a Fire

Per Federal law, Wilkes University is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether the WUPD may already be aware. If you find evidence of such a fire, or if you hear about such a fire, please contact one of the following:

- University Police Department      570-408-4999
- Office of Residence Life            570-408-4350

When calling, please provide as much information as possible about the location, date, time and cause of the fire.

### Fire Emergency and Evacuation Procedures

The WUPD encourages all members of the Wilkes Community to remain calm during the event of a fire alarm, or fire-related incident. In addition, individuals are reminded:

#### BEFORE a fire:

1. Know the location of all fire alarm stations in your building, and how to use them.
2. Know the location of portable fire extinguishers, and how to use them.
3. Know the location of alternate exits.

#### UPON DISCOVERING a fire:

1. Activate the fire alarm immediately to alert all residents and/or occupants.
2. Call 911.
  - a. If the fire is small, use fire extinguishers.
3. Exit by the nearest available stairwell. Do not use elevators. Do not run.
4. Meet emergency staff and direct them to the proper building floor and section.

#### UPON HEARING the fire alarm:

1. Remain low to the floor if there is smoke present in the room.
2. Feel the door before attempting to open. If it is hot, do not attempt to open the door. If no heat is detected, brace against the door and slightly open the door. If heat or heavy smoke is present, close the door and stay in the room.
3. Seal cracks around the door using sheets, pieces of clothing, or whatever is available if leaving the room is not possible.
4. Open windows a few inches at the top and bottom to release smoke and bring in fresh air. Hang an object or sheet from the window to attract the emergency staff.
5. If possible, notify the University Police Department 570-408-4999 and report you are trapped. Remember to give your name and location.

#### IF YOU CAN'T LEAVE the room:

1. Put on shoes and coat. Take a wet towel and cover your face.
2. Close all doors as you exit. Move to the designated stairway.
3. Do not use an elevator.
4. Meet at the designated area outside the building.
5. If the designated area is blocked due to fire, heat, or smoke, find an alternate route. If an alternate route is unavailable, find a window and signal for help.
6. Return to your room if all exits are blocked. Close the door, and take action as outlined above.

### Fire Alarm Systems

All University buildings are equipped with local "in-house" fire alarm systems. These systems do not alert the Wilkes-Barre Fire Department. The alarms sound inside the building and at the University Police Department. The University Police Department will then notify Wilkes-Barre Fire Department of the alarm.

If an alarm activates inside a building, all persons in that building should vacate using the closest available exit. This procedure reflects both the law and common sense. It is imperative that every person respond to a fire alarm and vacate a building in which an alarm is sounded. This procedure reflects both the law and common sense. Persons failing to vacate a building when a fire alarm activates are subject to disciplinary action.

The following charges and penalties are automatically invoked for students failing to vacate a residence hall during a fire alarm:

- First Offense: \$50 penalty charge, and referral to the Residence Life Office.
- Second Offense: \$75 penalty charge, and possible dismissal from campus residence.

Tampering with fire extinguishers and other fire equipment, or the sounding of false alarms is a serious threat to the safety of all and is strictly prohibited. Violations of this policy will result in serious disciplinary action by the University and possible criminal action under Pa Title 18.

The following system of charges and penalties are automatically invoked against students who tamper with fire extinguishers:

- First Offense:
  - If an individual is deemed responsible, \$100 penalty and referral to Student Affairs Council.
  - If a residence hall is deemed responsible, \$5 penalty charge per resident; minimum charge, \$25.
- Second Offense:
  - If an individual is deemed responsible, \$100 penalty and dismissal from campus residence; notification forwarded to the Wilkes-Barre Fire Chief.
  - If a residence hall is deemed responsible; \$5 penalty charge per resident; residence hall probation; notification of same to Student Affairs Council.

#### Electrical Devices, Open Flames, and Smoking

Wilkes University will permit the use of some small electrical appliances as long as the circumstances are consistent with good safety and health considerations. In order that safety standards are met, all appliances containing a heating-type element must have that element fully enclosed. Both the appliance and electrical cord must have Underwriter Laboratory approval.

Property and safety considerations prevent the authorization of the use of toaster ovens, electric skillets, hot plates, or similar appliances. Because of the high potential for damage and fire, electric blankets, halogen lamps, and sunlamps may not be used in student rooms. Candles, incense or other open flame devices are prohibited in and around residence halls.

Smoking is prohibited in all University-owned buildings, shuttles and vans. The University's Smoking Policy also established a "Smoke Free Zone" of twenty (20) feet from any university building door, window, or ventilating system.

Any of the aforementioned prohibited items may be confiscated by appropriate University personnel.

#### Residence Hall Fire Drills

Each semester, every residence hall facility has a one fire drills to increase familiarity for occupants and allow them to practice their building evacuation skills. Failure by any student to evacuate during a fire drill/alarm is a violation of University Policy and carries a \$50 fine.

#### Fire Safety and Education Training

Fire Safety training for Resident Life Professional Staff, Resident Life Graduate Assistants, and Resident Assistants (RA) is conducted each August at Wilkes University. The program is provided by Pennoni & Associates and is design the help teach students and staff about fire safety, fire prevention, and to lead effectively during emergencies. The goals of this training enable the participants to:

1. Define fire and the characteristics of each class of fire;
2. Identify immediate actions needed in the event of a fire;
3. Demonstrate how to properly inspect fire extinguishers; and
4. Demonstrate how to properly use a fire extinguisher on a (simulated) fire.

All students living in on-campus student housing receive fire alarm education at the beginning of the school year during residence hall meetings. The residence hall meetings provide information on evacuation routes, outside rally points, and fire alarm equipment locations. These educational trainings are designed to familiarize residents with fire safety systems, equipment, University fire alarm procedures, , and how to safely and effectively evacuate the structures in case of an emergency.

Mandatory fire safety and prevention education and suppression device training is held annually for all members of the WUPD and Facilities Management. This training is also optionally available to all other staff and faculty of Wilkes University. Additional fire education training is available through the WUPD upon request.

#### Fire Safety Tips

University Buildings are equipped with a variety of features that are designed to detect, stop, and/or suppress the spread of a fire. A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.

Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.

Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of University Policy.

### Off-Campus Fire Safety

College students living away from home should take a few minutes to make sure they are living in a fire-safe environment. Educating students on what they can do to stay safe during the school year is important and often overlooked. Never be afraid to ASK THE LANDLORD.

- Look for fully sprinkler housing when choosing off-campus housing.
- Make sure your apartment has smoke alarms inside each bedroom, outside every sleeping area and on each level. For the best protection, all smoke alarms should be interconnected so that when one sounds they all sound.
- Test all smoke alarms at least monthly.
- Never remove batteries or disable the alarm.
- Learn your building's evacuation routes and have practice all drills as if they were the real thing.
- Have a fire escape plan with two ways out of every room.
- When the smoke alarm or fire alarm sounds, get out of the building quickly and stay out.
- During a power outage, use a flashlight...not candles.
- Cook only where it is permitted.
- Stay in the kitchen when cooking.
- Cook only when you are alert, not sleepy or drowsy from medicine or alcohol.
- Check with your local fire department for any restrictions before using a barbecue grill, fire pit, or Chimenea.
- Use a surge protector for your computer and plug the protector directly into an outlet.

*Source: Campus Firewatch*

### Plans for Future Improvements in Fire Safety

The University continues to assess and upgrade fire safety equipment as an ongoing process to ensure that all equipment meets National Fire Safety standards. At this time, there are no specific plans for future improvements. Future improvements will be made as needed as part of the ongoing assessment process.



# Wilkes University

Wilkes University does not discriminate on the basis of race, color, national or ethnic origin, age, religion, disability, pregnancy, gender, gender identity and/or expression, sexual orientation, marital or family status, military or veteran status, genetic information or other protected status in its programs and activities. The following person has been designated to handle inquiries regarding the University's non-discrimination policies:

Nicole Langan, Title IX coordinator, who can be reached at 570-408-4354 or [nicole.langan1@wilkes.edu](mailto:nicole.langan1@wilkes.edu). Or contact the assistant secretary of education, Office for Civil Rights, at 1-800-421-3481 or [OCR@ed.gov](mailto:OCR@ed.gov).