Wilkes University

Wilkes-Barre Campus
Annual Security and Fire Safety Report
Calendar Year Jan. 1, 2021 - Dec. 31, 2021

Published October 2022

84 West South Street, Wilkes-Barre, PA 18766 | 1-800-WILKES-U | wilkes.edu

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*.

Title IX Coordinator
Elizabeth C. Leo, Esq.
Weckesser Hall, 2nd Floor
Wilkes-Barre, PA 18766
Phone: 570-408-7788
elizabeth.leo@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://www2.ed.gov/about/offices/list/ocr/addresses.html* 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 are in need of 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

TABLE OF CONTENTS

Accessibility to Information and Non-Discrimination Statement 2

Letter from the Chief of Police 2

Important Phone Numbers 4

VAWA and Campus SaVE Requirements 5

Title IX 5

Crime/Emergency Reporting and University Response 6

Statistical Disclosure of Reported Incidents 7

Reporting Off-Campus Crime to the Wilkes-Barre City Police Department 7

Monitoring and Recording Criminal Activity at Non-Campus Locations of Student Organizations 7

University Police Authority and Jurisdiction 8

Access to and Security of Campus Facilities 8

Security Considerations Used in the Maintenance of Campus Facilities 9

WUPD Training 9

WUPD's Working Relationships with Other local and State Law Enforcement Agencies 9

Campus Safety Alerts (Timely Warning Notices) 9

Public Safety Notices 11

Emergency Response and Evacuation Procedures 11

Emergency/Immediate Notification 12

Alcohol/Drug Policies 14

Preparation of Annual Disclosure of Crime Statistics and Clery Compliance 15

Sexual Assault Educational and Prevention Programs 17

Making a Report of Sexual Misconduct 18

Resources and Support Services 21

Procedures for Investigating Sexual Assault, Dating Violence, Domestic Violence, and Stalking;
Disciplinary Action and Sanctions for Students and Employees 30

Notification of Victims of Crimes of Violence 43

Sex Offender Registry and Access to Related Information 43

Missing Student Notification Procedures and Policies 43

Security Awareness, Crime Prevention and Education 44

Pennsylvania Uniform Crime Reporting Act Statistics 45

Annual Clery Crime Summary and Statistics 47

Annual Fire Safety Report 50

Campus Fire Safety Right to Know Act 52

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 2020, 2019, and 2018. These crime statistics are also reported to the Department of Education through the web-based data collection by October 1, 2021.

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
Elizabeth C. Leo, Esq.
Weckesser Hall, 2nd Floor
Wilkes-Barre, PA 18766
Phone: 570-408-7788
elizabeth.leo@wilkes.edu

Deputy Title IX Coordinator
Mrs. Kristin Pitarra
Human Resources Director
Human Resources Office
10 East South Street
Wilkes-Barre, PA 18766
Phone: 570-408-2034
kristin.pitarra@wilkes.edu

Interim Dean of Student Affairs
Philip J. Ruthkosky, Ph.D.
Office of Student Affairs
Passan Hall, 2nd Floor
Wilkes-Barre, PA 18766
Phone: 570-408-4108
philip.ruthkosky@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 2021-2022 academic year, Wilkes University enrollment was near 4,800 students. The student body is approximately 64% women and 36% men. For the fall 2020 semester, there were 3,351 full-time equivalent (FTE) students at the University, and 27% of those students lived in University-owned, -recognized, -rented, -leased, or otherwise controlled housing. Additionally, there were 686 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*
- 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 570-408-2034 or on-campus extension 2034, 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*

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*.

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*
- 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*. 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 Edwardsville Borough 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

Wilkes University does not have officially recognized student organizations that own or control housing facilities. Wilkes University student organizations do not own, or control, any other non-campus properties. The University does use the local law enforcement agencies to monitor or record activities at select off-campus locations. These facilities are also within the primary jurisdiction of the Wilkes-Barre City Police Department, and they respond to those locations when police service is requested or required.

If the Wilkes-Barre City Police or another law enforcement agency with jurisdiction respond to an off-campus student property in response to a citizen complaint or police officer concern, the police may notify WUPD to provide support assistance to one of those locations. However, the police do this out of a courtesy, and they are not "required" to notify or involve WUPD when they respond to a call involving private property. WUPD does not patrol or provide oversight of privately-owned property/residences rented by students that fall outside of the University's Clery geography.

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 18 full time sworn Police Officers, 4 Public Safety Officers, 7 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

Academic and Administrative Buildings
During normal business hours, most academic and administrative buildings are open to the public. During non-business hours, access to all university facilities is by key, limited access card swipe, or by admittance via WUPD or Residence Life staff. In the case of periods of extended closing, WUPD will admit only those with prior written approval to all facilities. Some facilities may have individual hours, which may vary at different times of the year. Examples are the Henry Student Center, Dorothy Dickson Darte Center, Farley Library, Marts Center, and the McHale Athletic Center inside the University Center on Main building. 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. 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.

The University residence halls are open for invited guests of residents. Visitors should extend courtesy to those living in the facility at all times. Under no circumstances should any resident be inconvenienced by a visitor or guest. Resident Assistants (RA) must be notified in advance of overnight guests. A student may have guests over for a maximum of two nights. Students must receive approval from the Office of Residence Life if a guest stays more than two nights.

Visitation to individual rooms should be decided upon by those residents living in that room. In order to minimize disruption to roommates, the University supplies each residence hall with an area to study with others, entertain guests, and watch television.

All visitors (student or non-student) to Evans Hall and University Towers are required to check in with the lobby desk attendant and are required to show proper photo ID to the student attendant/Public Safety Officer in order to sign in at the desk. They must indicate the person they are visiting, room number, and time of entry. Proper identification shall include a University picture ID, valid driver's license, social security card, or employee photo ID card. Any guest who does not have identification will not be permitted to enter the building.

All visitors to other University-owned residence halls are to utilize the phones located on the outside of the individual buildings or personal cell phone. Visitors are to call the room/apartment or personal cell phone of the Wilkes resident whose responsibility it is to come to the front door of the facility to grant entrance to his/her visitor.

Residents are reminded that they are responsible for their visitors and that an environment conducive to study should be maintained at all times. All visitors to the residence halls are responsible for abiding by University policies. Residence hall members should escort from the hall any unidentified persons not accompanied by a fellow hall member. The RA on call should be contacted if a visitor will not leave in order for University Police to be called for assistance.

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 patrols 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 bystandership 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 the Wilkes-Barre City Police Department, Edwardsville Borough Police Department, Kingston Borough Police Department, or any other law enforcement agency for the investigation of alleged criminal incidents or for any other reasons.

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.
Campus Safety Alert posters may also be posted by WUPD in campus buildings when deemed necessary. When Campus Safety Alerts are posted in campus buildings, they are printed on red paper and posted in lobby/entrance areas of key buildings for a time-period determined by the Chief of Police or designee. 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.

WUPD supervisors confer with the Chief of Police or the Lieutenant of Support Operations during the response to a crime to ensure a proper review of all Clery crimes (and other criminal incidents, as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of a Campus Safety Alert is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities who were providing confidential assistance to a crime victim. At 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	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 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, Edwardsville 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.

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 on-duty WUPD officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty WUPD officer gathers necessary information (through response, investigation, or collaboration with other emergency responders) and then immediately contacts the Chief of Police or Lieutenant of Support Operations, who quickly evaluates the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the campus community who will receive the notification.

The Chief of Police or Lieutenant of Support Operations has the ability and authority to issue an alert without delay and without further consultation with any other University official. Notification message content is determined based on the type of incident, the context with which it is occurring, and the immediate danger or threat to the campus community and the need to advise campus community members to take action. The University will endeavor to make such notification sufficiently specific so as to enable recipients to take an appropriate response to the threat. Pre-canned messages have been prepared as part of the emergency notification system to aid in rapid communication processes. In situations lacking the presence of an imminent threat, the Chief of Police or Lieutenant of Support Operations consults with the President, Associate Vice President of Operations, the Vice President of Student Affairs, and Dean of Students, and/or other members of the Emergency Action Plan (EAP) committee prior to an alert being issued.

Follow-up notices/communications will be provided as necessary during an active incident and may be provided by the Chief of Police or Lieutenant of Support Operations or a member of the EAP. When a threat is neutralized or effectively removed, campus community members will be appropriately informed via all or some of the aforementioned communications methods. Additionally, updates regarding a prolonged and ongoing emergency situation such as a health emergency (norovirus, serious illness, pandemic, etc.) can be provided by creating a banner (webpage) at the top of the University's homepage that would contain specific status update information along with links to public health agencies (for example) or other relevant entities.

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

ALCOHOL/DRUG POLICIES

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

University Police enforces violations the laws of the Commonwealth of Pennsylvania, including laws relative to the possession, use, and sale of alcoholic beverages. This includes the enforcement of State underage drinking laws and Federal and State drug laws. Student violations of the policies and guidelines pertaining to alcohol and drugs specified in the Wilkes University Student Handbook will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include, but are not limited to, points, fines, education, referrals for counseling, community service, probations, residence hall separation, or suspension or expulsion from the University.

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

Any person who misrepresents on behalf of a person under 21 to be of legal age to cause a licensed dealer or other person to sell or furnish intoxicating liquors to the underage person commits a misdemeanor of the third degree on the first violation. A person also commits a third degree misdemeanor for selling or providing alcoholic beverages to a known minor.

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

The use of narcotics and controlled substances without a prescription on University premises, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct.

University Police enforces violations the laws of the Commonwealth of Pennsylvania, including laws relative to the possession, use, and sale of narcotics and controlled substances.

When students are receiving Federal Title IV financial aid (including Federal Pell Grants and Federal Direct Student Loans), it is their responsibility to inform the Financial Aid Office within five days of any criminal illegal drug statute conviction. Students also agree to abide by the conditions of the drug-free workplace certifications.

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

The Handbook can also be found online at: *https://www.wilkes.edu/about-wilkes/offices-and-administration/student-affairs/wilkes-undergraduate-student-handbook/index.aspx*

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 570-408-2034 or on-campus extension 2034, 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: *www.wilkes.edu/campus-life/student-affairs/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 1st 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.

SEXUAL ASSAULT EDUCATIONAL AND PREVENTION PROGRAMS

As part of the Wilkes University community, students and employees are provided with programming that highlights the University's prohibition of sexual assault, stalking, dating and domestic. We are committed to the prevention of sexual misconduct through education and awareness. Upon enrollment to the University, students are provided with an in-person training session during Welcome Weekend. This session promotes awareness of dating violence, domestic violence, sexual assault, and stalking while also providing information on risk reduction to recognize warning signs of abusive behavior.

Bystander Intervention:
Additionally, students are provided with either an in-person bystander intervention training ("Colonel's Don't Stand By") or an online version that is administered remotely by way of three interactive modules during their first semester. This training includes a video and discussion format in which various intervention techniques and skills are explored by the students through a peer facilitated program. "Colonel's Don't Stand By" educates on safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

For instance, bystander intervention includes recognizing situations of potential harm, understanding cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Our programming includes tangible examples, such as:

1. Confronting people who seclude, hit on, or try to engage in sexual activity with people who are incapacitated;
2. Ways to distract an individual who may become involved in a risky situation;
3. Speaking up against someone bragging or joking about taking sexual advantage of another person;
4. Refer friends or others to on or off-campus resources for support in health, counseling, or with law enforcement; and
5. Watching out for friends.

Furthermore, bystander intervention education teaches information on risk reduction. Risk reduction includes options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Employee-Specific Training:
Likewise, as part of the new-employee employment paperwork, 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 sexual misconduct including sexual assault, stalking, dating and domestic violence. Moreover, 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.

Red Flag Campaign:
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.

The Red Flag Campaign programming encourages our community to recognize the following warning signs of abusive behavior:

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

The Clothesline Display Project:
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.

Reducing Risks:
All of our programming aims to help reduce risks by emphasizing that if you are being abused or suspect that someone you know is being abused, speak up or intervene. It encourages individuals to:

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

The following are prevention and training programs and campaigns that are continuously offered, which includes programming intended to end sexual assault, dating violence, domestic violence, and stalking and address bystander intervention:

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, University Police Officers, first-year student mentors, department supervisors, student affairs emergency on-call staff, and members of the Administrative Committee on Sexual Misconduct 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 Welcome Weekend workshop on sexual harassment and violence presented by the Victim's Resource Center of Wilkes-Barre, PA.
4. A Red Flag Campaign in the spring semester that is a community-wide awareness initiative designed to highlight the red flags of dating violence, domestic violence, stalking, sexual exploitation and sexual assault; and encourages our community members to speak up when they recognize these warning signs.
5. A Clothesline Display Project in the spring semester that is community-wide and raises awareness by providing survivors of domestic violence, dating, violence, sexual assault and stalking a vehicle to share their testimonies.
6. A written sexual harassment and violence brochure disseminated to all first-year students, provided again and explained in depth to all victims when they make a report. In addition to highlighting the support and reporting options, this brochure explicitly directs students in the importance of preserving evidence; where and whom to report alleged offenses; options for assistance in reporting to local law enforcement; the institution's authority to issue "no-contact" orders (and assistance in obtaining a protection from abuse or sexual violence order from the court); and the choice to request or deny notification to law enforcement authorities.
7. A sexual harassment and violence resource guide disseminated to all faculty and staff. This written guide informs employees on their reporting responsibilities; whom allegations should be reported to; how to respond to reports of sexual misconduct; confidential and off-campus reporting options; and support resources offered by the institution.
8. The Title IX Coordinator sends out an email at the beginning of every fall semester, notifying faculty and staff of their mandatory reporting responsibilities.
9. Every new employee completes two training modules upon hire: United Educators (1) Mosaic: Prevent Discrimination and Harassment and (2) Mosaic: Prevent Sexual Violence Together.
10. Every other year, the Title IX Coordinator requests all employees to complete an online training module through United Educators. The online training modules addresses workplace discrimination, retaliation, harassment and how to recognize and respond to sexual misconduct involving students, including sexual assault, stalking, and intimate partner violence.
11. On duty uniformed University Police Officers, 24 hours a day/7 days a week.
12. 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.
13. Training programs and campaigns previously mentioned to also raise awareness around harmful behaviors and "red flags" that allow potential perpetrators to recognize and address these behaviors prior to escalation.
14. An emergency on-duty Student Affairs professional, 24 hours a day/7 days a week.
15. A "Safe Escort" from a University Police Officer anywhere on campus from dusk until dawn.
16. An emergency community notification system comprised of several communication methods including, text messaging, printed fliers, and the Wilkes Portal.
17. A mobile device application to communicate directly with the University Police Department and receive campus safety alerts sent directly to your phone.
18. An anonymous support line to provide counseling resources to students: 570- 408-CHAT [2428].

MAKING A REPORT OF SEXUAL MISCONDUCT

Reports of sexual misconduct, including dating violence, domestic violence, sexual assault and stalking are to be reported to the Title IX Coordinator or Deputy, the Wilkes University Police Department, the Office of Student Affairs or the Office of Human Resources. There is no time limit with regard to reporting; however, complainants are encouraged to proceed as quickly as possible. Evidence, witnesses, and even the accused may not be available after a period of time.

Reporting the incident to local law enforcement and campus authorities is up to the victim, but is strongly encouraged. If the victim requests, a University staff member will assist the victim in notifying law enforcement authorities. The victim may also choose to decline to notify law enforcement as well as campus authorities. If additional counseling services (beyond those identified below) are requested, the University will assist in identifying off-campus counseling or mental health services.

Victims will:

- Have their complaints taken seriously, subject to a full and prompt investigation as required by civil rights laws and University authorities, policy and procedures;
- Have access to legal assistance and representation as also allowed by the accused;
- Have cooperation from campus personnel in the collection of evidence;
- Have access to independently obtained counseling services;
- Be entitled to changes in academic and living environments; and
- Not be subject to pressure from University and/or police authorities.

- Receive a written explanation of all rights and notifications at the time they make a report and simultaneously ongoing with the accused if applicable.
- The above information is provided regardless of whether the conduct occurred on or off campus.

Reports of sexual misconduct can be reported as follows:
Wilkes University has effective systems in place to support a victim of rape, dating violence, domestic violence, sexual assault or stalking. Trained University personnel work closely with a victim to provide information about reporting and support services. If a victim chooses not to proceed with a disciplinary complaint or police report, and the University is aware of the allegation, the Title IX investigatory process will determine the appropriate steps to be taken in accordance with the University's Sexual Misconduct Policy while mindful of University's obligation to provide a safe and nondiscriminatory environment for all students, faculty and staff.

A. Emergency Services and Immediate Care
If you believe you are a victim of any form of sexual misconduct, or witness to any form of sexual misconduct:
- Get yourself or the alleged victim to a safe place as soon as possible;
- Seek immediate medical attention;
- Call 911;
- Notify WUPD at 570-408-4999, Human Resources at 570-408-2034; Title IX Coordinator at 570-408-7788;
- File a report with WUPD, Human Resources, or the Title IX Coordinator.
- Preserve any evidence (paper bags are best). Once a feeling of safety is achieved, every effort to save anything that might contain the offender's DNA. Therefore, a victim should not:
    - Bathe or shower
    - Use the restroom
    - Change clothes
    - Comb hair
    - Clean up the crime scene
    - Move anything the offender may have touched

After an incident of sexual assault, it is important to seek medical attention as soon as possible. The hospital is trained through SANE (sexual assault nurse examiner) nurses to conduct specific forensic exams of sexual assault victims. In Pennsylvania, forensic evidence may be collected even if a victim chooses not to make a report to law enforcement. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University investigators; hearing panels; or WUPD. Victims of sexual assault, domestic violence, stalking and dating violence are also encouraged to preserve physical and medical evidence as may be necessary for the proof of criminal domestic violence, dating violence, sexual assault or stalking charges or in obtaining a protection order.

B. Report to the University
Reports of sexual harassment, including sexual misconduct can be reported to the Title IX Coordinator or Deputy Coordinator, WUPD, the Office of Student Affairs or the Office of Human Resources. There is no time limit with regard to reporting; however, reporting parties are encouraged to proceed as quickly as possible. Evidence, witnesses, and even the responding party may not be available after a period of time.

- Online Anonymous Reporting
  Anonymous reports of gender-based discrimination may be submitted at the following website: *https://wilkes.edu/campus-life/student-affairs/sexual-misconduct/discrimination-and-harassment-reporting-form.aspx.*

- Confidentiality
  Reporting parties have the option to request the school maintain their confidentiality or that the complaint not be pursued. The University will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or that the complaint not move forward. Although the University cannot completely ensure confidentiality, the Title IX Coordinator will evaluate the request in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all members of the community.

  Additionally, the University maintains confidentiality consistent with the complainant's wishes when issuing accommodations and protective measures by only notifying those individuals on campus that have a legitimate educational interest in the information or on a need-to-know basis to uphold the accommodations. Moreover, when confidentiality is requested, non-identifying information is provided for purposes of Clery Act reporting. All publicly available record-keeping maintained per Clery is without the inclusion of personally identifiable information.

  Students who wish to seek confidential on-campus support may contact a professional staff member in the University's Health and Wellness Services Office located on the first floor of Passan Hall at 570-408-4730.

  The University recognizes that circumstances related to alleged violations may cause employees to feel uncomfortable making a report in person and has established a confidential reporting mechanism to address this issue (*https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=17812*).

  Employees who wish to seek confidential support may contact a professional counselor through the University's Employee Assistance Program at:
  The Employee Counseling Service
  Family Service Association of Wyoming Valley
  31 West Market Street
  Wilkes-Barre, PA 18701-1304
  570-823-5144

Students and employees may also seek confidential counseling off campus at:

The Victims Resource Center
71 North Franklin Street
Wilkes-Barre, PA 18701
570-823-0765

- Amnesty
  During the process of investigating a report of sexual misconduct, other violations of the University Code of Conduct may be found to have been committed. The Wilkes community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of our community that reporting parties choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, Wilkes University will not pursue disciplinary action against complainants or witnesses for personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation related to a sexual misconduct incident.

- Statement Against Retaliation
  Retaliation against a person who files a complaint or participates in an investigation is prohibited by University policy, and by state and federal law. Any type of retaliation against the reporting party, the responding party (other than discipline that may be imposed by this policy), witnesses, members and others associated with the process will be considered a conduct violation.

C. Report to the Police
Options available to the reporting party with regard to University adjudication and criminal procedures will be explained. Every individual reporting sexual misconduct to the University, also has the option to report to the local police department and University officials will assist in contacting the police if the reporter desires. It is the reporting party's decision to participate in the University process, a criminal process, both or neither.

- Coordination with Law Enforcement
  Law enforcement agencies investigate criminal behavior and do not investigate potential violations of Title IX. These are two separate and distinct processes. However, investigations conducted by the University under this policy may coincide with law enforcement investigations due to the same conduct.

  The University reserves the right to proceed with a sexual misconduct investigation and adjudication independent of any criminal proceeding. Furthermore, verdicts in criminal court are not determinative of the proceedings held by the University.

  At the request of law enforcement, the University investigator for the University may delay the University investigation temporarily while an external law enforcement agency is gathering evidence. The investigator will promptly resume the University investigation when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

  In an effort to ensure a thorough investigation, an appropriate University administrator may contact any law enforcement agency that is conducting its own investigation to ascertain the status of the criminal investigation, and to collect relevant evidence the agency is willing to share with the University.

  Additionally, the University will cooperate with outside law enforcement investigations, to the extent permitted by applicable law. For instance, the Family Educational Rights and Privacy Act (FERPA) permits disclosure of information collected through the University's investigation process pursuant to a subpoena in a criminal and/or a civil proceeding.

D. Filing A Complaint with the Office of Civil Rights
The Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972, which prohibits sex discrimination in programs or activities that receive federal financial assistance from the Department of Education.

Individuals who believe they were discriminated against on the basis of race, color, national origin, sex, disability, or age can file a complaint with the Office of Civil Rights at the information provided below:

Mail or Facsimile:
Office for Civil Rights,
Philadelphia Office
U.S. Department of Education
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: 215-656-8541
Facsimile: 215-656-8605
Email: OCR.Philadelphia@ed.gov

Online:
www.ed.gov/about/offices/list/ocr/complaintintro.html

For more information on OCR's grievance procedures, please visit their website at: *www2.ed.gov/about/offices/list/ocr/docs/howto.html*.

RESOURCES AND SUPPORT SERVICES

Wilkes University offers to students, faculty and staff, in writing and explained in more detail verbally, support services for students and employees. Following receipt of notice or a complaint of an alleged violation of the University's Equal Opportunity, Harassment and Non-discrimination Policy, the Title IX Coordinator and/or Deputy Title IX Coordinator(s) reaches out directly to the Complainant to arrange a meeting to discuss supportive measures and correspondingly provides a list of the measures in writing to the Complainant's University email address. University supportive measures include but are not limited to the following:

- Accompaniment to the hospital for medical care (if desired).
- Access to ongoing information including criminal and University policy options as well as support and advice from campus and/or off-campus counselors. (Please note that information shared with campus and off campus counselors is confidential; however, alleged sexual misconduct cases brought to the attention of the University through non-confidential sources must be addressed and/or investigated. Efforts will be made to honor confidentiality but cannot be guaranteed.)
- Students who wish to seek confidential on-campus support may contact a professional staff member in the University's Health and Wellness Services Office located on the first floor of Passan Hall. Phone: 570-408-4730.
- Students may utilize an after-hours support line, 570-408-CHAT (2428), to access counselors who will provide support for individuals who may be experiencing any mental health issue as well as emergency situations.
- Alternate campus housing assignments.
- Providing campus safety escorts
- Providing transportation accommodations
- Academic support, extensions of deadlines, or other course/program-related adjustments;
- Altering work arrangements for employees or student-employees;
- Safety planning
- Access to the Employee Assistance Program.
- Students & employees may seek confidential counseling off campus at:
  The Victims Resource Center
  71 North Franklin Street
  Wilkes-Barre, PA 18701
  570-823-0765
- Assistance in reporting the incident to the local police department (if desired).
- Assistance on how to obtain a Protection from Abuse or Sexual Violence Protection Order.
- Accommodations to minimize contact with the alleged assailant.
- Protection from retaliation. Retaliation against a person who files a complaint or participates in an investigation is prohibited by University policy, and by state and federal law.
- A full explanation of the investigation and adjudication process (including timelines, hearing procedures, and the appeals process) provided to the complainant upon receipt of a report.
- Changes to academic, living, transportation, and working situations, such as changing residence hall rooms, changing work offices/spaces, alternative transportation options, adjustment to course schedules, or a leave of absence. Requests for such changes should be made to the Title IX Coordinator; Deputy Title IX Coordinator for Students; or Deputy Title IX Coordinator for Employees accordingly. This information is provided to students and employees in writing through resource guides (brochures) distributed via email.
- Access to a Title IX Coordinator. The Title IX Coordinator will serve as an impartial observer to assist students, faculty and staff with any questions or concerns that they may have beginning from the time immediately following the alleged assault, through the investigation and to the outcome of hearings and appeals.
- Assistance with financial aid.
- Assistance in seeking legal assistance within the community.
- Assistance in seeking relevant information on visa and/or immigration status.

Students, faculty and staff are directed to contact the Title IX Coordinator or a Deputy Title IX Coordinator for assistance in accessing any of the above-listed resources and support services.

Supportive Measures
Wilkes will offer and implement appropriate and reasonable supportive measures to students, faculty, and staff upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to students, faculty, and staff 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. Supportive measures are made available if requested and if they are reasonably available, regardless of whether the Complainant chooses to file a Formal Complaint with the Title IX office or files a report with campus police or local law enforcement.

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

Emergency Removal
The University can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Behavioral Threat Assessment Team, using its standard objective individualized risk assessment procedures.

In all cases in which an emergency removal is imposed, the student Respondent will be given notice of the action and the option to participate in a meeting with the Title IX Coordinator and/or Deputy Title IX Coordinator prior to such action/removal being imposed, or immediately following the removal, to show cause why the action/removal should not be implemented or should be modified. Notice will be made 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, by telephone, or emailed to the parties' University-issued email or designated accounts.

This Show Cause Meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within three (3) business days after notice is given, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator(s) determines it is equitable to do so, such as when the decision for emergency removal is directly related to the Complainant. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator(s) for the Show Cause Meeting. The Respondent will be given access to a written summary of findings that provide the basis for the emergency removal prior to the meeting to allow for adequate preparation. The Title IX Coordinator(s) has sole discretion under this Policy to implement or stay an emergency removal and to determine the conditions and duration.

The Title IX Coordinator will review the individualized safety and risk analysis; all information and evidence provided by the Respondent at the Show Cause Meeting; and any information or evidence submitted by the Complainant, to determine whether a genuine emergency involving the physical health or safety of one or more individuals (including the Respondent, Complainant, or any other individual) exists. Violation of an emergency removal under this Policy will be grounds for discipline, which may include expulsion.

Wilkes University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator(s), in consultation with other appropriate University administrators as necessary, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics. At the discretion of the Title IX Coordinator(s), alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the Parties.

When the Respondent is an employee, the University may, through existing provisions in the Employee Policies Manual, place the employee Respondent on administrative leave during the pendency of a Formal Grievance Process.

On and Off Campus Services for Victims

On-Campus	Service	Provider	Contact Info
Health & Wellness Services	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach	Melissa A.Gaudio, Campus Counselor	570-408-4730
	Clinical Services - General health care, immunizations, TB testing, medications, sexual health Wellness Promotion - Wellness education, alcohol/tobacco/ and other drugs, nutrition services	Diane E. O'Brien, Director	570-408-4734
Student Financial Aid	Financial Aid, Work Study, Financial Literacy	Jared M. Menghini, Executive Director	570-408-3837
Title IX Office	Sexual Misconduct information	Elizabeth Leo, Esq., Title IX Coordinator	570-408-4108
University Police	Crime Reporting, Escorts, Emergency Services, Crime Prevention	Chief Michael Krzywicki	570-408-4952
Visa and Immigration Assistance	Issue the Form I-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	Dr. Cathy Lee Arcuino, Executive Director	570-408-2616

Off-Campus	Service	Provider	Contact Info
Counseling/Mental Health	Individual Counseling, Group Counseling, Crisis Intervention, Psychiatric Services, Consultation, Outreach, Alcohol Awareness Education, Drug and Alcohol Counseling	Community Counseling Services The Employee Counseling Service Family Service Association of Wyoming Valley	570-552-6000 570-823-5144
Health Services	Emergency and non-emergency medical services	Commonwealth Health General Hospital Geisinger North Hospital Geisinger South Hospital	570-829-8111 570-826-7300 570-826-3100
Legal Assistance	Legal consultation	North Penn Legal Services	570-455-9512
Police	Reporting, Emergency medical services, Crime prevention	Wilkes-Barre City Police Department Edwardsville Police Department	570-826-8106 570-288-6484
Victim Advocacy	Reporting, referrals and support	Victims Resource Center Pennsylvania Coalition Against Rape (PCAR) Domestic Violence Service Center	570-823-0765 888-772-7227 570-823-7312
Visa and Immigration Assistance	Issue the Form I-20 and DS-2019 for prospective students to apply for the F-1 and J-1 visa	Catholic Social Services Immigration Services – Wilkes-Barre Office	570-822-7118

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 lived as spouses;
- Domestic partners;
- Same sex couples;
- Parents;
- Children;
- Persons related by blood or marriage (including bothers/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 PFA's, 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.

Other provisions related to the Policy Prohibiting Sexual Assault, Dating Violence, Domestic Violence, and Stalking (As located in the University's Equal Opportunity, Harassment, and Nondiscrimination Policy)

Rationale for Policy

Wilkes University is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, Wilkes has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. Wilkes values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for those involved. The University also conducts many programs to educate the campus community regarding prevention, reporting, and issues surrounding discrimination and harassment.

Applicable Scope

The core purpose of this Policy is the prohibition of all forms of discrimination within the campus community. Sometimes, discrimination involves exclusion from or different treatment in activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When the University receives notice or a direct report of an alleged violation of this anti-discrimination policy, the allegations are subject to resolution using Wilkes University's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed below.

Process A is the Formal Grievance Process for Title IX and other Sexual Misconduct offenses including sexual assault, dating violence, domestic violence, sexual harassment, and sexual exploitation. Process B is the Formal Grievance Process for Civil Rights offenses such as allegations of discrimination or harassment based on membership or perceived membership in a protected class such as race, color, national origin, religion, disability, gender identity, sexual orientation, veteran status .

When the Respondent is a member of the Wilkes community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the Wilkes community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this Policy and Procedures, may be made internally to:

Web: *www.wilkes.edu/titleix*

Title IX Coordinator
Elizabeth C. Leo, Esq.
Weckesser Hall, 2nd Floor
Wilkes-Barre, PA 18766
Phone: 570-408-7788
elizabeth.leo@wilkes.edu

Deputy Title IX Coordinator
Mrs. Kristin Pitarra
Human Resources Director
Human Resources Office
10 East South Street
Wilkes-Barre, PA 18766
Phone: 570-408-2034
kristin.pitarra@wilkes.edu

Interim Dean of Student Affairs
Philip J. Ruthkosky, Ph.D.
Office of Student Affairs
Passan Hall, 2nd Floor
Wilkes-Barre, PA 18766
Phone: 570-408-4108
philip.ruthkosky@wilkes.edu

The University has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Coordinators listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of the University. All of the following Officials with Authority will promptly report any complaints to the Title IX Coordinator:

- Title IX Coordinator/Deputy Title IX Coordinators
- President of the University
- Senior Level Administrators
- Vice Presidents
- Academic Deans
- Department and/or Division Chairs
- Student Affairs Deans
- Director of Athletics and Associate Director of Athletics
- Director of Residence Life and Area Coordinators
- Chief Human Resources Officer and Human Resources Director
- University Police Department

The University has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Assistant Secretary for Civil Rights
Office for Civil Rights, National Headquarters U.S. Department of Education Lyndon Baines Johnson Dept. of Education Building
400 Maryland Avenue, SW Washington, DC 20202-1100
Telephone: 800-421-3481
Fax: 202-453-6012; TDD: 800-877-8339
Email: *OCR@ed.gov*

Office for Civil Rights, Philadelphia Office
U.S. Department of Education The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Telephone: (215) 656-8541
Facsimile: (215) 656-8605
Email: *OCR.Philadelphia@ed.gov* Web: *http://www.ed.gov/ocr*

University employees may also make external inquiries to:
Equal Employment Opportunity Commission, Philadelphia District Office
801 Market Street, Suite 1000
Philadelphia, PA 19107-3126 United States
Telephone: 1-800-669-4000 / (267) 589-9700
Facsimile: (215) 440-2606 Email: *PDOContact@eeoc.gov* Web: *https://www.eeoc.gov*

Promptness
All allegations are acted upon promptly by the University once it has received notice or a Formal Complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the University will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the Procedures will be delayed, the Title IX Coordinator(s) will provide written notice to the Parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

Privacy
Every effort is made by the University to preserve the privacy of any notice or complaint filed with the University. The University will not share the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these Policies and Procedures.

The University reserves the right to determine which officials have a legitimate educational interest in being informed about incidents that fall within this Policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint. Information will be shared as necessary with investigators, hearing panel members/decision-makers, witnesses, and the Parties. The circle of people with this knowledge will be kept as tight as possible to preserve the Parties' rights and privacy.

Confidentiality and mandated reporting are addressed more specifically below.

Jurisdiction
This Policy applies to the education program and activities of Wilkes University and 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. The Respondent must be a member of the Wilkes University community in order for this Policy to apply.

This Policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to Wilkes University's educational program. The University may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator(s) determines that the conduct affects a substantial University interest (as defined below).

Regardless of where the conduct occurred, the University will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial University interest includes:

a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
d. Any situation that is detrimental to the educational interests or mission of the University.

If the Respondent is unknown or is not a member of the Wilkes community, the Title IX Coordinator(s) will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the University's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator(s).

In addition, the University may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Wilkes property and/or events.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and are expected by the University to act in accordance with these Policies and Procedures.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate

individual at that institution, as it may be possible to allege violations through that institution's policies.

Time Limits on Reporting
There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time is at the discretion of the Title IX Coordinator(s), who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the University will apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

Policy on Nondiscrimination
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.

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the Wilkes community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the Wilkes community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above, is in violation of the University's Policy on Nondiscrimination. When brought to the attention of the University, any such discrimination will be promptly and fairly addressed and remedied by the University according to the appropriate grievance process described below.

Policy on Discriminatory Harassment
Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. Wilkes University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are prohibited under the University's Policy. All policies encompass actual and/or attempted offenses.

Discriminatory Harassment
Discriminatory harassment constitutes a form of discrimination that is prohibited by Wilkes University's Policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law. Wilkes does not tolerate discriminatory harassment of any employee, student, visitor, or guest. The University will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."
A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive.

When discriminatory harassment rises to the level of creating a hostile environment, Wilkes may also impose sanctions on the Respondent through application of the appropriate grievance process described more fully in Process "A" or Process "B".

The University reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status.

Such conduct may be addressed through respectful conversation, remedial actions, education, effective, and/or other resolution mechanisms per the Employee Policies Manual and/or the Student Handbook.

Definitions:

Title IX Offenses
The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the Commonwealth of Pennsylvania regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Wilkes has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:[1]

Quid Pro Quo: An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

Sexual Harassment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

Sexual Assault, defined as: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.[2]

Any sexual act including Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse

- Rape—(Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity[3]
- Sodomy—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law
- Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

Dating Violence, defined as: 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.

For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence, defined as: The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction 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 Pennsylvania.

*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

Stalking, defined as: 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.

For the purposes of this definition—

i. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Other Sexual Misconduct Offenses

In addition to the above offenses that fall within the scope of Title IX, the University also prohibits other sexual misconduct in the form of Hostile Environment Sexual Harassment and Sexual Exploitation.

Hostile Environment Sexual Harassment: As defined in the "Discriminatory Harassment" paragraph above.

Sexual Exploitation: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute Sexual Harassment under this Policy. Examples of Sexual Exploitation include, but are not limited to:

1. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;

1 These definitions are required to be used per the Title IX Regulations issued at 34 CFR Part 106 and published on May 22, 2020.
2 The FBI UCR currently uses two crime reporting programs, the SRS and the NIBRS.
3 Also defined by the SRS as "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."

2. Indecent exposure or inducing others to expose themselves when consent is not present;
3. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent;
4. Prostituting another individual;
5. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
6. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Force, Coercion, Consent, and Incapacitation
As used in coordination with the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non- consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

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, previous patterns that may be evidenced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this Policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

Retaliation
Protected activity under this Policy includes reporting an incident that may implicate this Policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Wilkes University will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation. Grievances related to claims of retaliation will be addressed using the Resolution Process for Alleged Violations of Other Civil Rights Offenses (Process B).

It is prohibited for the University or any member of the University community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy and Procedures.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or

privilege secured by Title IX, constitutes retaliation.

Federal Timely Warning Obligations
Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the University must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

Mandated Reporting
All Wilkes employees (who do not work within the Health and Wellness Services Office) are expected to promptly report actual or suspected discrimination or harassment to the Title IX Coordinator or a Deputy Title IX Coordinator.

Employees who become aware of an alleged episode of misconduct described under this Policy, are obligated to report all of the relevant facts pertaining to the incident (including names, dates, times, and locations) to the Title IX Coordinator.

Students, faculty/staff, and visitors who believe they are victims of, or witnesses to discrimination or harassment can report the incident directly to the Title IX Coordinator or a Deputy Title IX Coordinator with the information in the "Administrative Contact Information" section above; the Office of Student Affairs or to Human Resources. The Title IX Coordinator, or designated Deputy Title IX Coordinator will assist in navigating through Wilkes University's grievance procedures and explain all resources available to the reporter.

Confidential Resources
If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

On Campus:
University's Health and Wellness Services Office
First floor of Passan Hall
570-408-4730
24-hour hotline: 570-408-CHAT

Off Campus:
The Victims Resource Center
360 East End Centre
Wilkes-Barre, PA 18702
570-823-0765

The Domestic Violence Service Center
P.O. Box 2177
Wilkes-Barre, PA 18703
570-823-7312

The Employee Counseling Service - Family Service Association of Wyoming Valley
31 West Market Street
Wilkes-Barre, PA 18701-1304
570-823-5144

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

When a Complainant Does Not Wish to Proceed
If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a Formal Complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator, in consultation with the Deputy Title IX Coordinator(s) (and other appropriate University administrators) has ultimate discretion over whether the University proceeds when the

Complainant does not wish to do so, and the Title IX Coordinator may sign a Formal Complaint to initiate a grievance process upon completion of an appropriate individualized risk assessment.

The Title IX Coordinator's decision should be based on results of the individualized risk assessment that show a compelling risk to health and/or safety that requires the University to pursue formal action to protect the community. A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence.

Additionally, the University may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.
The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the University's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this Policy.

When the University proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the University's ability to remedy and respond to notice may be limited if the Complainant does not want the University to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the University's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the University to honor that request, the University will offer informal resolution options, supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a Formal Complaint at a later date. Upon making a Formal Complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the University, and to have the incidents investigated and properly resolved through these Procedures.

PROCEDURES FOR INVESTIGATING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING; DISCIPLINARY ACTION AND SANCTIONS FOR STUDENTS AND EMPLOYEES

(As found in the University's Resolution Process for Alleged Violations of the Title IX and Other Sexual Misconduct Offenses (Process A))

The University will act on any formal or informal 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 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" per 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).

All allegations of sexual misconduct (including sexual harassment, sexual assault, dating violence, domestic violence, stalking and sexual exploitation) are acted upon in a prompt, fair, and impartial manner throughout the resolution process.

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, 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:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a Formal Complaint, and will assist them to do so, if desired.
    - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because 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 the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.
    - If an Informal Resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for Informal Resolution, and may seek to determine if the Respondent is also willing to engage in Informal Resolution.
    - If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
        - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
        - an incident, and/or
        - a pattern of alleged misconduct, and/or
        - a culture/climate issue, based on the nature of the complaint.
        - If it does not, the Title IX Coordinator determines that Title IX does not apply and will procedurally "dismiss" that aspect of the complaint under Title IX. The Title IX Coordinator then assesses which 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.

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 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 U.S. Department of Education regulations applicable to 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.

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

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. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address University officials in a meeting or interview unless invited to (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 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 must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

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. 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:

- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process; or
- When the Title IX Coordinator can resolve the matter informally by providing supportive measures to remedy the situation.

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. No evidence elicited during the facilitation of Informal Resolution is later admissible 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.

Negotiated Resolution

The Title IX Coordinator, with the consent of the Parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and the University. If the Parties are unable to agree on the outcomes of the negotiated resolution, any party may request that the matter be resolved through the Formal Grievance Process. Additionally, if one of the Parties fails to comply with the terms of the Negotiated Resolution, the matter may be referred for a Formal Grievance Process. Negotiated Resolutions are not appealable.

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 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.

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

Specific training is also provided for Appeal Decision-makers, intake personnel, Advisors (who are University employees), and Chairs. All Pool members are required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted here: *https://www.wilkes.edu/about-wilkes/offices-and-administration/title-ix/grievance-process-pool-training.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 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) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The Parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with Special Assistant to the President.

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 with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation;
- Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the Parties;
- Meet with the Complainant to finalize their interview/statement, if necessary;
- Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
    - 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 expected to cooperate with and participate in the University's investigation and resolution process. This participation is considered within the scope of their employment with the University.

Student witnesses are also expected 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 or efficiency 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. If a witness submits a written statement but does not intend to be and is not present for cross-examination at a hearing, their written statement may not be used as evidence.

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

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

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

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

The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. 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) the character of the Parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

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) renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

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

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result;
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities;

- Any technology that will be used to facilitate the hearing;
- Information about the option for the live hearing to occur with the Parties located in separate rooms using technology that enables the Decision- maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing;
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least 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, and the Party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the 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 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal).

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

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 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 the 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 separate pre-hearing meetings 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 provide recommendations for more appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair must document and share 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.

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 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 be present (in person or by previously agreed upon technology) during the entire hearing process, but not during deliberations.

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

Testimony and Questioning

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

All questions are subject to a relevance determination by the Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, directly, and in real-time. The proceeding will pause to allow the Chair to consider it, 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 and Inferences

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

Cross-examination is an all or nothing proposition, meaning that if any question is refused, no statements of that party or witness are admissible. Only if a party or witness is willing to submit to cross-examination, and answers all questions, will their statements prior to or at the hearing be fully admissible. Whether a

party or witness does or does not answer questions from the Decision-maker, their statements will be admissible as long as they are willing to submit to cross-examination questions, even if they are not asked any cross-examination questions.

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

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decisionmaker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions. 21 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 in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

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.

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

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) in consultation with other appropriate administrators, as required or necessary.

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, credibility assessments, and any sanctions.

This report 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.

Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair to prepare a Notice of Outcome. 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 five (5) 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 any remedies provided to the Complainant designed to ensure access to the University's educational or employment program or activity, to the extent the University is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by 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;
- Previous allegations or allegations involving similar conduct;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation;
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community;
- The impact on the Parties;
- Any other information deemed relevant by the Decision-maker(s)

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

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

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.
- Conditional 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 conditionally suspended from the University may 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 if the student has an allegation pending, or 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.

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

Disclosures to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses

Wilkes University will, upon request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Wilkes University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

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. Accordingly, a hold will be placed on their ability to be readmitted.

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, 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 or discrimination.

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. No appeal

panelists will have been involved in the process previously, including 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 for consideration to determine if the request meets the grounds for appeal (a Review for Standing). This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

Grounds for Appeal
Appeals are limited to the following grounds:

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

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Chair and the Parties will be notified in writing of the denial and the rationale.

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

The other party(ies), the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be mailed, emailed, and/or provided a hard copy of the request with the approved grounds and then be given five (5) business days to submit a response to the portion of the appeal that was approved and involves them. All responses will be forwarded by the Chair to all parties for review and comment.
The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed for standing by the Appeal Chair and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision- maker(s), as necessary, who will submit their responses in five (5) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses will be shared with the Appeal Panel, and the Panel will render a decision in no more than ten (10) business days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

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

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

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

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then Emergency Removal Procedures detailed in the Policy for a hearing on the justification for doing so must be permitted within 48-hours of implementation.

Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for Appeal Decision-makers to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Appeal Chair/Panel may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a remand to a Decision-maker(s) cannot be appealed.
- In cases in which the appeal results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

Long-Term Remedies/Other Actions

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

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

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

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the Parties even if no policy violation is found. When no policy violation is found, the Title IX Coordinator will address any remedies owed by the University to the Respondent to ensure no effective denial of educational access.

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

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

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

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University.

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

Recordkeeping

The University will maintain for a period of at least seven years records of:

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

The University will also maintain any and all records in accordance with state and federal laws.

Disabilities Accommodations in the Resolution Process
The University is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the University's resolution process.

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

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

In accordance with the Higher Education Opportunity Act (HEOA), the University must develop and implement certain procedures to be followed when on-campus residential students are determined to be missing for 24 hours.

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 Passan Hall, third 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 no later than 24 hours after the student is determined to be missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

If the missing person is under the age of 18 and is not an emancipated individual, 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. The Colonel Connector provides campus members with pick-up and drop-off safety escorts to a wider area around campus, outside of the regular University shuttle hours. This service operates Monday through Friday, from 5 p.m. to 11 p.m., throughout the entirety of the Fall and Spring semesters. The Colonel Connector is a clearly marked Wilkes University van and is operated by a Public Safety Officer. Each Wilkes campus member is permitted two guests that may ride with them from start to finish. Guests are required to present ID when boarding. For more information please visit: *www.wilkes.edu/campus-life/safety-security/index.aspx*
4. 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.
5. "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.
6. 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.
7. Wilkes University requires all incoming first-year students to complete an online alcohol, drug, and sexual violence awareness and prevention program. We are partnered with MyStudentBody.com for this purpose. www.MyStudentBody.com's online prevention program incorporates scientific behavior change principles with e-learning methodologies around alcohol, drug, sexual violence and other high-risk behaviors on college campuses.
8. Each year the offices of Title IX and Student Affairs conduct a sexual violence awareness training for athletics. This a mandatory training for all student athletes and coaches. Students are advised of bystander intervention techniques, the importance of consent, educated on healthy relationships, and provided with risk reduction and prevention tips. Students also learn what reporting options and resources are available to them and the university's protocols in the event of a sexual assault, intimate partner violence or stalking.
9. The mission of Wilkes University's Bystander Intervention program is to empower students to take on active leadership roles in preventing sexual harassment and violence. Following completion of a training course, a select group of peer trainers will engage first-year student groups in interactive presentations designed to develop the skills and confidence to intervene safely and effectively when witness to situations where individuals may be at risk of sexual violence. This program is presented in every First-Year Foundation course.
10. 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.
11. CHOICES and Wyoming Valley Alcohol & Drug sessions. These are sessions meant to educate the student regarding the violation so as not to have a repeat offense in the future. They will be imposed in addition to other sanctions and may include, for example, a CHOICES alcohol education class or a session with Wyoming Valley Alcohol and Drug Services. Choices is a one-hour class facilitated by University campus counselors. The WVAD session is a 3-hour session held on campus and facilitated by a staff member from WVAD. Both are scheduled regularly in the semester and students are informed of upcoming dates for sessions.
12. During Welcome Weekend, first year students are required to attend an on-campus workshop facilitated by the Title IX Office. This program teaches students how to recognize signs of sexual misconduct, dating violence and stalking and on the importance of consent. It also provides students with the information they need to connect with local resources to obtain medical and legal assistance as well as confidential counseling.
13. In the spring semester, the University hosts a "Red Flag Campaign" that is a community-wide awareness initiative designed to highlight the red flags of dating violence, domestic violence, stalking, and sexual misconduct and encourages our community members to speak up when recognizing those signs.
14. In compliance with the Drug-Free Schools and Communities Act (DFSCA) the University distributes, annually, to all student, staff, and faculty the Drug and Alcohol Abuse Prevention Program at the University.

PENNSYLVANIA UNIFORM CRIME REPORTING ACT STATISTICS (TABLE 1)

January 1, 2019 through December 31, 2021

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	2021 (FTE=4181)		2020 (FTE=3987)		2019 (FTE=4083)	
	Actual Offenses	Crime Rate	Actual Offenses	Crime Rate	Actual Offenses	Crime Rate
PART I OFFENSES						
1. Criminal Homicide (total)	**0**	**0**	**0**	**0**	**0**	**0**
1a. Murder & Non-negligent Homicide	0	0	0	0	0	0
1b. Manslaughter by Negligence	0	0	0	0	0	0
2. Rape (total)	**1**	**24**	**1**	**25**	**3**	**73**
2a. Rape	1	24	1	25	3	73
2b. Attempts to Commit Rape	0	0	0	0	0	0
3. Robbery (total)	**0**	**0**	**0**	**0**	**0**	**0**
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	1	23
4. Assault (total)	**9**	**215**	**4**	**100**	**20**	**490**
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	9	215	4	100	20	490
5. Burglary (total)	**0**	**0**	**5**	**125**	**8**	**196**
5a. Forcible Entry	0	0	0	0	1	24
5b. Unlawful Entry - No Force	0	0	3	75	7	171
5c. Attempted Forcible Entry	0	0	2	50	0	0
6. Larceny/Theft	**13**	**311**	**17**	**426**	**18**	**441**
7. Motor Vehicle Theft (total)	**0**	**0**	**0**	**0**	**0**	**0**
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
8. Human Trafficking	0	0	0	0	0	0
9. Arson	**0**	**0**	**1**	**25**	**0**	**0**
TOTAL PART I OFFENSES	**23**		**28**		**49**	

PART II OFFENSES						
10. Forgery & Counterfeiting	**0**	**0**	**1**	**25**	**0**	**0**
11. Fraud	**2**	**48**	**0**	**0**	**0**	**0**
12. Embezzlement	**0**	**0**	**0**	**0**	**0**	**0**
13. Stolen Prop., Rec., Possess., Buying	**0**	**0**	**0**	**0**	**0**	**0**
14. Vandalism	**30**	**717**	**21**	**527**	**21**	**1514**
15. Weapons; Carrying, Possessing, etc.	**0**	**0**	**0**	**0**	**0**	**0**
16. Prostitution & Commercialized Vice	**0**	**0**	**0**	**0**	**0**	**0**
17. Sex Offenses (except 2 and 16)	**0**	**0**	**2**	**50**	**1**	**24**
18. Drug Abuse Violations (total)	**12**	**287**	**26**	**652**	**52**	**1274**
18a. Sale/Mfg: Opium-Cocaine	0	0	0	0	0	0
18b. Sale/Mfg: Marijuana	1	24	0	0	0	0
18c. Sale/Mfg: Synthetic	0	0	0	0	0	0
18d. Sale/Mfg: Other	0	0	1	25	1	24
18e. Possession: Opium-Cocaine	0	24	0	0	0	0
18f. Possession: Marijuana	9	215	51	1279	51	1249
18g. Possession: Synthetic	0	0	0	0	0	0
18h. Possession: Other	1	24	0	0	0	0
19. Gambling (total)	**0**	**0**	**0**	**0**	**0**	**0**
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
20. Offenses Against Family & Children	**0**	**0**	**0**	**0**	**0**	**0**
21. Driving Under the Influence	**1**	**24**	**0**	**0**	**0**	**0**
22. Liquor Laws	**54**	**1291**	**136**	**3411**	**136**	**3331**
23. Drunkenness	**5**	**120**	**3**	**75**	**3**	**73**
24. Disorderly Conduct	**13**	**311**	**23**	**577**	**23**	**563**
25. Vagrancy	**33**	**789**	**66**	**1655**	**66**	**1617**
26. All Other Offenses (except traffic)	**29**	**694**	**12**	**301**	**12**	**294**
TOTAL PART II OFFENSES	**179**		**290**		**314**	
GRAND TOTAL FOR ALL OFFENSES	**202**	**4831**	**318**	**7976**	**363**	**8891**

FTE FACULTY, STAFF, & STUDENTS			
Headcount Enrollment	**2021**	**2020**	**2019**
Full-Time Faculty	170	176	196
Part-Time/Adjunct Faculty	268	244	252
Full-Time Staff	370	379	419
Part-Time Staff	128	149	150
Full-Time Students	2,527	2,463	2,560
Part-Time Students	2,749	2,318	2,120
Total Headcount	**6,212**	**5,729**	**5,697**
Full Time Equivalent	**2021**	**2020**	**2019**
Faculty FTE	304	298	322
Staff FTE	434	454	494
Student FTE	3,443	3,236	3,267
***Total FTE**	**4,181**	**3,987**	**4,083**

** 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, 2019 through December 31, 2021

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		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	2	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses												
Rape	1	1	5	1	1	4	0	0	0	0	0	0
Fondling	0	2	0	0	1	0	0	0	0	0	0	1
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	1	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0	1	0	2
Burglary	1	3	8	0	3	7	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Arson	0	1	0	0	0	0	0	0	0	0	0	0
VAWA Offense												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	2	1	0	2	1	0	0	0	0	0	1
Stalking	2	2	3	0	0	2	0	0	0	0	0	0
Arrests												
Liquor-Law Violations	0	0	11	0	0	7	0	0	0	0	2	3
Drug Abuse Violations	9	0	1	2	0	0	0	0	0	2	1	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals												
Liquor-Law Violations	57	126	141	56	124	135	0	0	0	1	0	0
Drug Abuse Violations	19	29	42	19	29	41	0	0	0	0	0	0
Weapons Law Violations	0	1	1	0	1	0	0	0	0	0	0	0

Hate Crimes

2021 – No reports of Hate Crimes
2020 – No reports of Hate Crimes
2019 – 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 2021, 2020, and 2019, 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.

2022 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 2021**
77 West	X	X	X	X	X	2
Catlin Hall	X	X	X	X	X	2
Doane 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
Ross 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
134-136 S. Main	No	X	X	X	X	0

In 2021, the University conducted a total of 38 fire drills in the residence halls.

FIRE STATISTICS JANUARY 2021 - DECEMBER 2021									
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	1	1	11/21/2021	1:53 PM	Appliance Fire	0	0	$22,700	202111210633
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	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
134-136 S. Main	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
Cumberland Apts.	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

FIRE STATISTICS JANUARY 2020 - DECEMBER 2020									
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	1	1	7/27/2020	3:25 PM	Appliance Fire	0	0	$110.00	IR-20200727-003519
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	9/30/2020	1:28 AM	Pizza Box	0	0	$0.00	IR-20200903-003611
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
134-136 S. Main	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
Cumberland Apts.	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

FIRE STATISTICS JANUARY 2019 - DECEMBER 2019									
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	9/8/2019	6:18 PM	Appliance Fire	0	0	$360.00	IR-20190908-002998
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
134-136 S. Main	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
Cumberland Apts.	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
134-136 S. Main – 134-136 S. Main St. Wilkes-Barre, PA 18701
Catlin Hall – 92 S. River St. Wilkes-Barre, PA 18766
Doane Hall – 56 W. 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
Ross Hall – 251 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 WBPD 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

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: Elizabeth Leo, Esq., Title IX coordinator, who can be reached at 570-408-7788 or elizabeth.leo@wilkes.edu. Or contact the assistant secretary of education, Office for Civil Rights, at 1-800-421-3481 or OCR@ed.gov.