



# Ursinus College

## Annual Security Report and Annual Fire Safety Report 2024

Containing information from the 2021-2023 Calendar Years



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## **About Ursinus College**

One of the nation's "Colleges that Change Lives," Ursinus College is a residential undergraduate liberal arts institution with 1,500 students that is widely recognized for its Common Intellectual Experience and its Quest: Open Questions Open Minds inquiry-based core curriculum. A top 100 national liberal arts college, Ursinus is noted among the most prestigious in the country for its undergraduate teaching and within the state for its career outcomes.

Founded in 1869, the tree-lined, 170-acre campus is situated in the heart of the Borough of Collegetown, Pennsylvania, and is located 25 miles northwest of Philadelphia. Ursinus remains passionately committed to new frontiers of knowledge, strengthening academic endeavors and transdisciplinary learning, and remaining true to its mission to enable students to become independent, responsible, and thoughtful individuals through a program of liberal education. That education prepares them to live creatively and usefully, and to provide leadership for their society in an interdependent world.

## **Preparation of this Report**

Ursinus provides this Annual Security Report and Annual Fire Safety Report ("the Report") in compliance with the Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092 (f), also known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The purpose of the Clery Act is to provide important information about the safety and security of college communities to enable people make informed decisions about college for educational or employment purposes.

Preparation of this Report is the responsibility of the College's Campus Safety Department. Campus Safety prepares and publishes this Report to inform the Ursinus community about campus security policies and procedures, programs designed to prevent and respond to certain crimes, and specific statistics for certain criminal incidents, arrests, and disciplinary referrals reported throughout the previous three calendar years. The statistics are gathered from Campus Safety as well as from other Campus Security Authorities (as defined by the Clery Act) and certain police departments.

Each year, the College distributes this Report to all students, faculty, and staff via email no later than October 1<sup>st</sup>. The distribution email includes a PDF version of the Report, web address where the Report is posted and information on how to obtain a hard copy of the Report. This Report is also available to prospective students and prospective employees. Links to this report can be found on the Admissions webpage and the Human Resources webpage under perspective employment. Anyone, including prospective students and prospective employees, may obtain a hard copy of this Report by visiting the Campus Safety Office in Wismer Hall or by calling 610-409-3333. All prospective employees may also obtain a copy from Human Resources in Corson Hall, Lower Level or by calling (610) 409-3073. Persons requesting this report via US Mail may send their written request to:

Ursinus College Campus Safety  
Attention: Executive Director of Campus Safety and Emergency Preparedness  
601 E. Main Street  
Collegeville, Pa 19426

## **About the Campus Safety Department**

### **Mission Statement**

Campus Safety's mission is to provide a safe and welcoming environment for the Ursinus College Community. Campus Safety Officers maintain the Ursinus reputation of quality while working to meet the individual needs of all of its students, faculty and staff. By providing frequent patrols, professional attitudes, quick response to safety concerns, and keeping accurate records of activities that affect the welfare and safety of the college, we meet our mission of excellence and safety to Ursinus College. The Campus Safety staff reports to the Executive Director of Campus Safety and Emergency Preparedness who reports to the Vice President of Student Affairs and Dean of Students and works within the context of the goals of the Student Affairs Division.

### **Campus Safety Resources**

Campus Safety is located in Wismer Hall on the Olin Plaza and provides services and protection for the Ursinus community 24 hours a day, 7 days a week. The staff consists of an Executive Director, an Assistant Director, an Emergency Management Coordinator, and fourteen un-sworn Campus Safety Officers who participate in on-going training programs and regularly receive updated safety materials. The officers bring a diverse background in professional experience and personal integrity to their position, and include former, industry safety professionals, police officers, firefighters, EMTs, school counselors, and military veterans. Campus Safety Officers are trained in a wide array of security procedures including emergency response, CPR, AED use, First Aid (with tourniquet use), Narcan administration, and Mental Health First Aid. In addition, approximately 20 Student Dispatchers provide 24-hour service triaging calls and dispatching needed service to the campus community. Community Campus Safety Guides are available alongside other safety-related materials at the Campus Safety office, located in Wismer Hall.

### **Authority, Jurisdiction, and Relationship with Local Law Enforcement**

Campus Safety personnel have no law enforcement authority and cannot make arrests, physically restrain, or detain individuals. However, they may report criminal activity, summon assistance and act as witnesses. Campus Safety Officers also have jurisdiction to enforce College policies on campus grounds. They perform comprehensive and frequent patrols and respond quickly to safety problems. Personal safety escorts are available 24 hours a day. Campus community members are encouraged to promptly report any crime or unusual or suspicious incidents to Campus Safety. Campus Safety will evaluate the situation and contact the appropriate authorities. Incidents relating to criminal activity are reported to local law enforcement agencies. Campus Safety works closely with Collegeville Police and the Pennsylvania State Police to protect the campus community and property while remaining sensitive to the educational objectives of Ursinus College. While this relationship is well established, it is not memorialized by a memorandum of understanding or in any written agreement. Collegeville Police and Pennsylvania State Police have arrest authority and jurisdiction on campus.



## **Notation regarding Noncampus Locations of Student Organizations**

The US. Department of Education requires the College to address in this Report whether it is aware of any practice by local police to monitor and document criminal activity by Ursinus students occurring at “noncampus locations of student organizations.” Ursinus does not have any registered student organizations with noncampus locations. That noted, please read “Off-Campus Activity” below.

## **Off-Campus Activity**

The student conduct code is in effect on and off campus; therefore, students must display behavior that reflects favorably on them, the College, and the community. Students charged with violations of state law committed off campus shall be subject to College disciplinary proceedings if the action poses a threat to the mission of the College or to the health and safety of its members. This may include an involuntary leave of absence until the case has been resolved. After legal resolution, the College may take further disciplinary action. Ursinus Campus Safety enjoys a cooperative working relationship with the Collegeville Police Department.

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## **Reporting Crimes and Other Emergencies**

### **Prompt & Accurate Reporting**

Students, faculty, staff, and visitors are encouraged to promptly and accurately report all crimes and public safety-related incidents to the Campus Safety Department and the appropriate local police agency, including when the victim elects to, or is unable to, make such a report. Ursinus personnel are available to assist in notifying authorities.

Ursinus College Campus Safety  
Wisner Hall  
601 E. Main Street  
Collegeville, Pa 19426  
(610) 409-3333 (x3333 from a campus extension)

Crimes and incidents should be reported as soon as possible so that the College may assess the need for a timely warning or emergency notification and assess the need for inclusion in the annual statistical disclosure.

### **When & How Report**

In addition to Campus Safety (see contact information above), Ursinus designates the following Campus Security Authorities<sup>1</sup> to receive reports:

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<sup>1</sup> Campus security authority or CSA is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution.

*(1) campus police department or a campus security department of an institution; (2) individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department, (3) 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*

<b>Laura Moliken</b> Vice President of Campus Life	Student Affairs Suite Wismer Hall, 2 <sup>nd</sup> Floor	610-409-3590
<b>Ellie Ash-Balá</b> Associate Vice President of Student Affairs	Student Affairs Suite Wismer Hall, 2 <sup>nd</sup> Floor	610-409-3590
<b>Gabrielle Wright</b> Executive Director of Campus Safety and Emergency Preparedness	Student Affairs Suite Wismer Hall, 2 <sup>nd</sup> Floor	610-409-3590
<b>Dan Kelly</b> Associate Dean of Students/Title IX Coordinator	Student Affairs Suite Wismer Hall, 2 <sup>nd</sup> Floor	610-409-3590
<b>Alyssa Caffarelli-Murphy</b> Director of Residence Life	Student Affairs Suite Wismer Hall, 2 <sup>nd</sup> Floor	610-409-3590

### **Voluntary, Confidential Reporting Procedures**

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a voluntary confidential report so that the incident may be included in the annual disclosure of crime statistics in this Report. To submit a voluntary, confidential report for statistical inclusion only, please contact the Executive Director of Campus Safety and Emergency Preparedness at [gwright@ursinus.edu](mailto:gwright@ursinus.edu). With your permission, the Executive Director can document the details of the incident without revealing your identity. Reports filed in this manner are assessed for inclusion in the annual crime statistics for the institution.

The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of you and other members of our community. The only instances where anonymity cannot be guaranteed is with regards to harm of self or others, or the actor poses a significant threat to the community at large. In these circumstances, members of the College's Crisis Response Team will make a determination on a case-by-case basis if further action needs to be taken. With such information, the college can keep an accurate record 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.

### **Note regarding Licensed Mental Health Professionals & Pastoral Counselors**

Ursinus has licensed mental health counselors and pastoral counselors available to speak with individuals. Information for each location follows below:

Wellness Center Professional Counselors and Medical Providers

[\(https://www.ursinus.edu/offices/wellness-center/\)](https://www.ursinus.edu/offices/wellness-center/)

610-409-3100

Office of the Chaplain

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*offenses; and (4) an official of an institution who has significant responsibility for student and campus activities.*

Those listed in the chart above are category (3).

**Licensed mental health professionals and pastoral counselors, when acting as such, are not considered to be a Campus Security Authorities for Clery Act purposes and are not required to report crimes on for inclusion into the annual crime statistics contained in this Report.**

The College does not have a policy that requires or encourages its licensed mental health counselors or pastoral counselors to inform persons they are counseling about procedures for reporting crimes on a voluntary, confidential basis for statistical inclusion in this Report.

## **Timely Warnings**

The College will issue a Timely Warning to the campus community for Clery-reportable crimes occurring on the College's Clery Act geography that are reported to Campus Security Authorities or local police agencies, and that are considered by Ursinus to represent a serious or continuing threat to students and employees. Whether an incident constitutes a serious or continuing threat to students and employees is a case-by-case determination. [Note: The College is not required to issue Timely Warnings with respect to crimes reported to the Chaplain or licensed mental health counselors].

### **Decision Criteria for a Timely Warning**

The Executive Director of Campus Safety and Emergency Preparedness, or their designee, reviews all reports to determine if a timely warning will be issued. The decision whether to issue a timely warning is decided on a case-by-case basis in light of all the facts surrounding a crime, including, but not limited to, the possible risk of compromising law enforcement efforts.

Typically, timely warnings will be issued for major incidents of arson, murder/nonnegligent manslaughter, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Campus Safety Office. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other Ursinus community members and a timely warning would not be distributed. As another example, sexual misconduct cases are often reported long after the incident occurred. Consequently, in those situations, the College may be unable to distribute a "timely" warning to the Ursinus community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Campus Safety Office. Cases involving property crimes will be assessed on a case-by-case basis and a timely warning will be issued if there is a discernible pattern of crime.

### **Content for a Timely Warning**

The amount and type of information presented in a timely warning will vary depending on the circumstances of the crime. If there is certain information that could compromise law enforcement efforts, it may be withheld from the timely warning notice. Generally, the warning will specify the type of crime reported, the time and location at which the reported crime occurred, and specific

advice to the campus community regarding steps to take to avoid becoming a victim. The Executive Director of Campus Safety and Emergency Preparedness, or their designee, will determine the content for each timely warning.

### **Timing for a Timely Warning**

Although the Clery Act does not define “timely,” the intent of a warning is to enable our College community to protect itself. This means that a warning is issued as soon as pertinent information is available so that it can be used as a preventive tool, and not solely constitute a description of the incident.

### **How Timely Warning Notices are Issued/Disseminated**

Timely warning notices will be made to the entire campus community through the use of the campus-wide e-mail system. The Executive Director of Campus Safety and Emergency Preparedness (or designee) also has the discretion to issue the warning, via other tools, as necessary (including the emergency text messaging system if practical). When issuing a timely warning, some specific information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate and/or solve the crime.

*Note: In certain circumstances, an incident may not meet the criteria of a Clery-reportable crime occurring in a Clery-reportable location but may constitute a potential threat to the Ursinus community. For instances in which a timely warning is not required, the Executive Director of Campus Safety and Emergency Preparedness, or their designee, may choose to issue a “community alert” notifying the College community of the threat. The content of a community alert may vary depending on the type of incident reported and the location in which it occurred.*

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## **Emergency Notifications**

Ursinus College will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or employees. Predicting how and when crisis situations will strike is difficult, so preparation is critical. Ursinus has created an emergency preparedness plan to assist members of the College community in emergencies. For more information, see Appendix C.

### **Confirming the Existence of a Significant Emergency or Dangerous Situation & Initiating the Emergency Notification System.**

Campus Safety receives information from on and off campus sources, including, but not limited to, the College’s Environmental Health & Safety Department, the College’s Facilities Services Department, the Collegeville Police Department, and the Montgomery County Department of Public Safety.

The Executive Director of Campus Safety and Emergency Preparedness (or their designee) will work with these authorities, as well as with the Ursinus Crisis Response Team (CRT)<sup>2</sup> to confirm whether the incident constitutes a “significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees,” such that an Emergency Notification is warranted.

Upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees, the College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Collegeville Police Department, Montgomery County Department of Public Safety, Collegeville Fire Department, and Trappe Ambulance Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The following person(s) will initiate the notification system: the Executive Director of Campus Safety and Emergency Preparedness in conjunction with the Vice President of Campus Life, and the College Communications Team.

#### **Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification.**

Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The following person(s) will determine the appropriate segment(s) of the campus community to receive an emergency notification: the Executive Director of Campus Safety and Emergency Preparedness in conjunction with the Vice President of Campus Life, and the College Communications Team. These individuals will continually evaluate the situation and assess the need to notify additional segments of the campus population.

#### **Determining the Contents of the Emergency Notification.**

Generally, these messages identify the situation, allow for input of the location, and identify the immediate protective action that should be taken. The following person(s) will determine the content for the emergency notifications: the Executive Director of Campus Safety and Emergency Preparedness in conjunction with the Vice President of Campus Life, and the College Communications Team. These individuals will continually evaluate the situation and assess the need to provide additional content. This message will be communicated through the Emergency/Mass Notification system administered by AppArmor and will arrive via College email and SMS text message (for students/faculty/staff that have provided an up-to-date mobile number).

#### **Procedures Used to Notify the Campus Community.**

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<sup>2</sup> The CRT consists of Student Affairs staff trained in emergency response, crisis management, Mental Health First Aid, and the National Incident Management System. The team provides 24-hour support to the campus community with three full-time professional staff members always on call (Vice President/AVP, Director/Assistant Director, and staff Psychologist/Therapist).

Ursinus College utilizes a software program managed by the College and provided through a contractual agreement with AppArmor. This system will instantly and simultaneously distribute brief messages in situations warranting an Emergency Notification using pre-written templates. By using Short Messaging System (SMS) technology, the system can convey messages to registered mobile numbers and College email addresses for each member of the Ursinus Community.

Generally, any notification will direct recipients to the College's website for additional information and/or updates or to a separate link that describes in detail, action items to consider during a particular incident. Every member of the community will receive notifications in their College email, and students, faculty, and staff will also receive critical emergency notifications to the mobile number on file with the College and AppArmor. The receipt of emergency notification SMS messaging cannot be opted out of. The emergency notification system is tested once each semester to ensure proper operability.

### **Procedures for Disseminating Emergency Information to the Larger Community.**

The College will also display the notification content on the official Ursinus College Twitter account, Facebook account, and as a static display on the homepage of [www.ursinus.edu](http://www.ursinus.edu). Other departments such as Athletics or Campus Safety may also share the notification on their official social media accounts and pages.

## **Emergency Response and Evacuation Procedure**

Ursinus Campus Safety Officers are trained in Incident Command and are usually the first to respond when a serious incident occurs that causes an immediate threat to the campus. Depending on the nature of the incident, other Ursinus departments (including Student Affairs, and/or Facilities Services) and other local or federal agencies could also be involved in responding to the incident.

Predicting how and when crisis situations will strike is difficult, so preparation is critical. Ursinus has created a comprehensive Emergency Operations guidebook and preparedness plan to assist members of the College community in nearly all emergencies. For more information, see Appendix C or view the chart in the bottom right corner of the Campus Safety webpage (<https://www.ursinus.edu/offices/campus-safety/emergency-management/>).

### **Testing Emergency Response and Evacuation Procedures: Drills, Exercises, and Training.**

Ursinus conducts evacuation drills each semester in all campus buildings. Students and staff learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. All new employees must certify through signature form the receipt of, and understanding of, the Emergency Response Plan and building evacuation plan for the buildings they will be working in.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of fire or other emergency. At Ursinus, evacuation drills are used to educate and train occupants on fire safety issues specific to their building. During the drill, occupants practice drill procedures, and become familiar with the location of exits and the sound of the fire alarm. In addition to educating the occupants of the buildings about the evacuation procedures during the

drills, the process also provides the College an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by the Emergency Management Coordinator, Campus Safety, the Environmental Health and Safety/Risk Manager, and Facilities Services staff to evaluate egress and behavioral patterns. Participating departments identify deficient equipment so that repairs can be affected immediately. Recommendations for improvements are also submitted for consideration. Residence Hall evacuation drills are unannounced, while academic buildings occupants are given advance notice.

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### **Daily Crime Log & Daily Fire Log**

The Campus Safety Office maintains a daily crime log, which includes all crimes reported to the Campus Safety Office that have occurred on-campus, in or on noncampus buildings or property, or on public property immediately adjacent to and accessible from campus, or within the patrol jurisdiction of Campus Safety. The daily crime log is available for public inspection during normal business hours at the Campus Safety Office. Any portion of the daily crime log that is older than 60 days will be made available from review, upon request, within two (2) business days.

The College maintains a daily fire log that records, by the date reported, any fire that occurs in an on-campus student housing facility. The daily fire log is available for public inspection during normal business hours at the Campus Safety Office. Any portion of the daily fire log that is older than 60 days will be made available from review, upon request, within two (2) business days.

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### **Security of & Access to Campus Facilities and Residence Halls**

#### **Security & Access**

Access to campus buildings and grounds is a privilege extended to students, faculty, staff, and authorized guests. The college encourages an open environment with limited restrictions to provide reasonable protection to the campus community. Campus Safety Officers maintain a schedule of locking and unlocking all campus buildings based on use, class schedules, special events, and safety concerns. Access to institutional facilities is on an as-needed basis, and regulated by strict key control or access card procedures after business hours. Some facilities have individual hours, which may vary at different times of the year. Generally, academic buildings are open and accessible during business hours, with electronic key card controls going into effect during non-business hours. Emergencies may necessitate changes or alterations to any posted building schedules.

Access to residence halls and houses is gained through exterior doors which are self-locking. Most halls have exterior door magnetic locks which require card access. These buildings can be locked remotely in the event of an emergency, and doors will automatically release for emergency egress if a fire alarm sounds. In buildings with key access exterior doors, signs are posted at the entrance to remind students to lock the doors. The Residence Life staff facilitates area meetings with

students to describe safety procedures and develop safety awareness. During extended breaks, the doors of all halls are secured if no student population remains in the building.

### **Security Considerations Used in Maintenance**

The Facilities Services staff maintains all campus buildings and grounds with an emphasis on safety and security. Campus Safety Officers perform regular inspections of lighting and landscape issues during daily patrols. All issues of concern are reported directly to the Service Response Center for a work-order. The Facilities staff is available, through an on-call system, for emergencies that occur outside regular working hours. The Directors of Facilities Services, Residence Life, and Campus Safety meet periodically each semester to discuss issues of pressing concern.

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### **Missing Persons Policy & Procedure**

Ursinus takes student safety very seriously. To this end, the following policy and procedures have been developed in order to assist in locating any student(s) living in on-campus housing (residential students) who, based on the facts and circumstances known to the College, is determined to be missing. This policy is intended to comply with the Clery Act.

#### **Statement of Policy**

Anyone who believes a residential student to be missing should report his or her concern to:

Ursinus College Campus Safety Office  
Wisner Hall  
601 E. Main Street  
Collegeville, Pa 19426  
610-409-3333

All reports of missing students made to someone other than the Campus Safety Office shall be immediately referred to Campus Safety Office, which will initiate a report of a potential missing person. The Campus Safety Office will also contact the Dean of Students in order to notify them about the situation and to receive additional consultation. The College will act on each missing person report as set forth in the Procedures below.

Part of the Procedures below involve contacting a residential student's designated contact for missing persons purposes. Every student living in on-campus student housing, regardless of age, shall have the opportunity to identify one or more persons to be contacted by the College in case a student is determined to be missing. This contact is for missing person purposes only and may be different from the person selected as the student's general emergency contact. General emergency contact information and missing persons contact information are kept separate, even if the student registers the same contact for both purposes.

Students electing to provide a contact for missing person(s) purposes must contact the Registrar's office or log into their student account to update their information.



Students are offered this option each year, regardless of whether the student has identified contact persons in previous years. Contact information will be registered confidentially, accessible only to authorized campus officials, and will not be disclosed to external parties except law enforcement personnel in furtherance of a missing person investigation.

If a missing student is under 18 years of age and not emancipated, Ursinus will notify a custodial parent or guardian of the missing student (in addition to notifying any additional contact person designated by the student) not later than 24 hours after the determination by Ursinus that the student is missing. Ursinus will also notify the local law enforcement agency not later than 24 hours after it determines that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

### **Statement of Procedures**

If a residential student is determined to be missing for 24 hours, then College will take the following actions within 24 hours of that determination:

- a. Notify the missing student's identified confidential missing person contact.
- b. Notify a student's parent or guardian and designated confidential missing person contact if the student is under 18 and not emancipated.
- c. Notify the appropriate law enforcement officials with jurisdiction in the area where the student went missing in all situations regardless of whether (i) confidential missing person contact information is supplied, (ii) the missing student is over the age of 18 or (iii) the missing student is an emancipated minor.

Note: If in the course of gathering information as described above, foul play or self-harm is evident or strongly indicated, the police may be contacted immediately.

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### **Statement of Alcohol & Drug Policies**

The Drug-Free Schools and Communities Act (DFSCA) require that, as a condition of receiving funds or any other form of financial assistance under any Federal program after October 1, 1990, all institutions of higher education must certify that they have adopted and implemented a program to prevent the unlawful manufacturing, dispensing, possession, use or distribution of illicit drugs and alcohol by students and employees. Likewise, anyone who submits research proposals to federal agencies must certify that they will not engage in any of the aforementioned activities during the period covered by the grant.

Individuals who do not make such certification and those who violate its terms will lose federal funds. As required by Federal regulations, this information was developed and distributed to inform all College community members of the seriousness of the use and abuse of illicit drugs and alcohol. It also sets forth standards of conduct regarding such activity.

For the College's full compliance with the Drug-Free Schools and Communities Act, including its Biennial Report, please visit: <https://www.ursinus.edu/offices/health-promotion/prevention-and-advocacy/> .

## Standards of Conduct

The unlawful manufacturing, possession, distribution, dispensing or use of illicit drugs or alcohol on College property or as part of any College activity by any member of the College community is strictly prohibited. Examples include but are not limited to:

- Unlawful or unauthorized possession, manufacturing, use, purchase, and/or distribution of alcohol. No person under 21 years of age may possess or consume alcoholic beverages, under any circumstances.
- Alcohol is not permitted in the First Year Centers at any time. Alcohol is not permitted in non-residence hall buildings, except for events approved by the College. For more information, refer to Guidelines for Social Events.
- Possessing or being in the presence of:
  - Alcohol, including beer, wine, liquor, or mixed drinks being consumed in a container larger than 16 ounces.
  - Grain alcohol
  - Alcohol transported or stored in a container larger than 1 gallon.
  - Binge drinking paraphernalia including but not limited to:
    - Kegs
    - Beer Balls
    - Beer Bongos
    - Trash cans
    - Common Source Containers such as a punch bowl
- Irresponsible use of alcohol, including purposeful binge drinking (ie. “Shotgunning” a beer) and public intoxication.
- Operating a vehicle while under the influence of alcohol or illicit drugs/controlled substances.
- Unlawful or unauthorized possession, manufacturing (or attempted manufacturing), use, purchase and/or distribution of illicit drugs, controlled substances (including stimulants, depressants, narcotics, or hallucinogenic drugs) or paraphernalia.
- Being in the presence of illicit drugs, controlled substances (including stimulants, depressants, narcotics, or hallucinogenic drugs) or paraphernalia.
- Illegal possession or use of prescription medications.
- Public intoxication
- Smoking tobacco products, hookahs or vaporizing devices (including e-cigarettes) inside any College building or within 20 feet of any building exit.

Any violation of College policies and/or local ordinances, State or Federal laws will result in appropriate disciplinary action.

In addition to College sanctions, students should know that where appropriate, the College will cooperate fully with law enforcement agencies. A student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance may not be eligible to receive any Title IV Federal grant, loan, or work assistance. See [Suspension of](#)

[Financial Aid Eligibility for Drug-Related Offenses section of this Handbook](https://www.ursinus.edu/live/files/3863-2020-drug-free-schools-and-communities-act)  
(<https://www.ursinus.edu/live/files/3863-2020-drug-free-schools-and-communities-act>).

When on College-owned property or at any College activity (on or off-campus), all individuals and groups will be expected to observe and comply with all drug and alcohol laws. The host of any event at which alcohol is provided is responsible for complying with policies, rules, regulations, laws, and requirements of Ursinus College, municipalities and counties, the Commonwealth of Pennsylvania, and the United States. The “host” is the person, persons or organization who provides the food, beverages or accommodations in which the activity takes place. The College reserves the right to prohibit or otherwise limit consumption of alcohol at certain events and in certain facilities. Students should refer to the Social Event guidelines and Event Director policies as outlined in the Student Handbook (<https://www.ursinus.edu/student-life/handbook/section-i-student-code-of-conduct/student-code-of-conduct/community-expectations-college-policies/>). All other events must be coordinated by external relations and college events.

While the possession and use of marijuana for medical purposes is legal under Pennsylvania law, the manufacture, possession, distribution, dispensing and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the DFSCA, the use and/or possession of marijuana (even for medical purposes) continues to be prohibited while a student is on college owned or college-controlled property, and/or at any function hosted, authorized or supervised by the college regardless of where held.

### **Illicit Drugs**

Illicit Drugs are controlled substances that possess a high potential for abuse, have no currently accepted medical use in the United States and demonstrate a lack of accepted safety for use under medical supervision. Controlled substances so defined fall under seven headings: marijuana (marijuana, hashish); stimulants (amphetamines, cocaine); depressants (barbiturates, tranquilizers, hypnotics); hallucinogens (LSD, PCP); opiates or narcotics (heroin, morphine, opium, codeine); inhalants (sprays, solvents, glue); and designer drugs (synthetic drugs similar in effect to stimulants, hallucinogens and narcotics). To be used legally and safely, some of the drugs above must be prescribed by a physician. This list is not comprehensive; there may be substances omitted that are also illegal and fall under the designation of controlled substances.

### **Alcohol**

Alcohol, the shortened term for ethyl alcohol, is a depressant that slows the activity of the central nervous system and the brain. Alcohol is a substance regulated by local, state and federal agencies with respect to its purchase, transportation, consumption and possession.

### **Legal Sanctions**

In Pennsylvania, the following violations are punishable by fines and, in some instances, loss of driving privileges (not exhaustive list, illustrative only):

purchase, consumption, transportation or possession of alcoholic beverages by a person under age 21;

misrepresentation of age to purchase alcohol and altering, selling or manufacturing of false identification;  
selling or furnishing of alcoholic beverages to those under age 21.  
Lying about age to obtain alcohol, making a false ID and furnishing alcohol to individuals under age 21 are misdemeanor offenses.

The legal sanctions for the unlawful possession, use or distribution of illicit drugs are more diverse than the sanctions governing alcohol. Sanctions may vary from fines, for first-time misdemeanor offenses involving simple possession of certain substances, to felony counts and multiple-year terms of imprisonment for more serious violations. A summary of penalties related to illicit drugs and alcohol may be found online at the U.S. Drug Enforcement Administration (<https://www.deadiversion.usdoj.gov/index.html>) and the Pennsylvania Liquor Control Board (<https://www.lcb.pa.gov/Pages/default.aspx>). Individuals seeking legal advice regarding drug or alcohol laws should consult legal counsel.

### **Health Risks**

Illicit drugs can interfere with important brain activities including coordination, memory and learning. They increase the risk of lung cancer, destroy liver cells, initiate severe weight loss and may weaken the immune system. Users may also experience abdominal pain, nausea, vomiting, rapid heartbeat and irregular breathing. Convulsions, coma and death are also possible. Combining drugs can be fatal.

Alcohol is a central nervous system depressant that is absorbed into the blood stream and transmitted to all parts of the body. Moderate doses reduce physical coordination and mental alertness while larger doses of alcohol drastically impair an individual's ability to function, sometimes rendering them unconscious. Long-term drinking can increase the risk of developing liver and heart disease, circulatory and stomach problems, various forms of cancer and cause irreversible brain damage.

### **Education, Counseling and Treatment**

The College's Director of Prevention and Advocacy provides leadership and guidance for drug and alcohol education on campus. Resources and programs are provided on an on-going basis in collaboration with other Student Affairs offices, including Residence Life, Student Activities and Leadership, Wellness, and Campus Safety. Resources for faculty and staff are available in Human Resources.

### **College Sanctions**

Students or employees who violate the College's alcohol policy will be subject to sanctions. Disciplinary action includes, but is not limited to, warnings, probation, suspensions and expulsion, or referral for prosecution and/or the completion of a substance use assistance or rehabilitation program. A complete copy of the College's alcohol policy is located at Ursinus College Student Handbook (<https://www.ursinus.edu/student-life/handbook/section-i-student-code-of-conduct/student-code-of-conduct/community-expectations-college-policies/>) and the Ursinus Human Resources website (<https://www.ursinus.edu/offices/human-resources/policies-and-practices/>).

Ursinus College students and student organizations are expected to act in accordance with the policies, rules, regulations, laws, and requirements of Ursinus College, municipalities and counties, the Commonwealth of Pennsylvania, and the United States. The policies and procedures in the Ursinus College Student Code of Conduct are designed to provide an educational and developmental process, balancing the interests of individual students with the interests of the Ursinus College community. Students are responsible not only for the intent of their conduct, but also for the impact of their actions.

Employees are expected to follow procedures as outline on the Human Resources web page. Violation of law may be referred to state or local police. For additional information about employee policies, contact Human Resources at 610-409-3073.

### **Assistance, Treatment, Support, and Community Resources**

#### Emergency Assistance:

On-campus - Campus Safety: x3333 (610-409-3333)

Off-campus – Collegeville Police: 911

#### Medical Treatment:

Wellness Center (Collegeville Family Practice) x3100 (610-409-3100) - students only

Einstein Hospital - Montgomery Emergency Department 484-622-1000

Phoenixville Hospital Emergency Department 610-983-1222

#### Emotional Support:

Wellness Center - Counseling Services x3100 (610-409-3100) - students only

Prevention and Advocacy (610) 409-3590 – students only

Employee Assistance Program (Metlife) 1-800-511-3920 - employees only

Online Campus Resources:

e-Chug Alcohol Assessment: personalized feedback on current use – employees and students

e-Toke Marijuana Assessment: personalized feedback on current use – employees and students

#### Community Resources:

Narcotics Anonymous: [www.na.org](http://www.na.org)

Alcoholics Anonymous: [www.aa.org](http://www.aa.org) OR 215-923-7900 [www.aasepia.org](http://www.aasepia.org)

Weekly meetings are held at the Trinity Church on Main Street across from the Commons

Empowering U Center Support Groups: 484-275-0393 [www.empoweringucenter.com](http://www.empoweringucenter.com)

Substance Use Disorder Treatment Programs:

CARON: <https://www.caron.org/locations/caron-pennsylvania>

The Light Program – <https://thelightprogram.pyramidhealthcarepa.com/>

Rehab After Work: <https://rehabafterwork.pyramidhealthcarepa.com/>

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### **Ongoing Crime Prevention and Security Awareness Programs**

Ursinus provides information on campus security practices and procedures to all students, faculty and staff at the beginning of each year, at new student and new employee orientations throughout the year, and in residence hall meetings throughout the year. Ursinus also provides a series of crime prevention and awareness programs throughout the year.

Below is a sample of the programs offered at Ursinus that addresses campus security practices and procedures, as well as crime prevention. Some of these programs are part of Ursinus' primary and ongoing prevention programs specifically addressing dating violence, domestic violence, sexual assault, and stalking. For additional details on what is covered in primary and ongoing prevention programs specifically addressing dating violence, domestic violence, sexual assault, and stalking, see the following section of this Report.

*New Student Orientation:*

This program is presented once each year to new students. Subjects covered include: The Consent Event and follow up conversation, Campus Safety resources, crime prevention, and residence hall fire safety.

*New Employee Orientation:*

This program is presented at the time of hire to new employees. Subjects covered include: sexual misconduct policy training (Title IX), workplace sexual harassment training

*EVERFI Education (online prevention training programs for students)*

This program is used for different audiences. For example, incoming students are required to complete three online courses prior to the start of their first semester: AlcoholEdu, Sexual Assault Prevention, and HE Prescription Drug Abuse Prevention. Likewise, during the fall semester, all returning students are offered the same three ongoing education opportunities: AlcoholEdu, Sexual Assault Prevention and HE Prescription Drug Abuse Prevention. Finally, before the start of the spring semester, all student athletes are required to complete Sexual Assault Prevention for Student Athletes.

*SMART (Sexual Misconduct Advocacy Resources Team) Training*

This program is presented upon request to students or employees. Subjects covered include: Title IX training and how to respond if you receive a Title IX report.

*Additional programs are offered throughout the year, including but not limited to Bystander Intervention Workshops, "Consent Cab", Vagina Monologues, Take Back the Night, and various campus-wide active and passive educational programming.*

Resident Advisors are trained in fire safety, the use of fire extinguishers, and facilitate discussion with all students during hall and house meetings. This is reinforced during evacuation drills each semester. This training is conducted on site by the Campus Safety Department. The employment of an electronic extinguisher prop is made available during Fire Prevention Week (when available on loan from the Montgomery County Department of Public Safety). The Ursinus Safety Committee plays an active role in identifying areas of concern on campus and disseminating the information to the entire campus community.

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## Statement of Policy Relating to Sexual Assault, Domestic Violence, Dating Violence, and Stalking

### Education Programs and Campaigns

Ursinus' Prevention Programs include Primary Prevention Programs, Primary Awareness Programs, and Ongoing Prevention and Awareness Campaigns.

**Primary Prevention Programs:** Ursinus implements programming, initiatives, and strategies, informed by research or assessed for value, effectiveness, or outcome that are intended to prevent incidents of sexual assault, domestic violence, dating violence, and stalking through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe Bystander Intervention, and seek to change behavior and social norms in healthy and safe directions.

**Primary Awareness Programs:** Ursinus implements comprehensive, intentional, and integrated community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent sexual assault, domestic violence, dating violence, and stalking, promote safety, and reduce the perpetration of sexual assault, domestic violence, dating violence, and stalking.

**Ongoing Prevention and Awareness Campaigns:** Ursinus implements programming, initiatives, and strategies for students and employees that are sustained over time and focus on increasing understanding of topics relevant to, and skills for, addressing sexual assault, domestic violence, dating violence, and stalking using a range of strategies with audiences throughout the College.

In these Prevention Programs (both primary and ongoing), the College:

- Makes a clear statement that domestic violence, dating violence, sexual assault and stalking are prohibited conduct;
- Defines domestic violence, dating violence, sexual assault, and stalking including how those terms are defined by the Commonwealth of Pennsylvania.
- Defines what behavior and actions constitute consent to sexual activity in the Commonwealth of Pennsylvania.
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming

barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior, and learn how to minimize the risk of potential attacks. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence;
- Outlines procedures victims should follow if a crime of dating violence, domestic violence, sexual misconduct or stalking has occurred, including topics such as how to report such crimes, the importance of preserving evidence and options for involving law enforcement;
- Reviews information about how the institution will protect the confidentiality of victims and other necessary parties; and
- Provides an overview of information contained in the ASR, including Ursinus' procedure for institutional disciplinary action in cases of sexual assault, dating violence, domestic violence, and stalking.

*Additional Examples of Primary and Ongoing Prevention and Awareness Programs*

In addition to trainings listed above, during New Student Orientation in August, all incoming students attend programs regarding Sexual Misconduct, Diversity, and Alcohol & Drugs. As part of these sessions, student leaders facilitate breakout sessions after each session to further explore personal safety. In addition, Peer Advocates (trained student leaders within the office of Prevention and Advocacy) maintain a strong presence in the residence halls by offering presentations and group dialogue. For example, during the first month of classes, Peer Advocates and Resident Advisors lead discussions in each first year hall to discuss healthy relationships and consent. The Peer Advocates also work cooperatively with athletic teams, Greek organizations, and various underrepresented groups to discuss the different issues surrounding sexual misconduct.

**Policies & Procedures**

<b>IMPORTANT NOTICE</b>
<b>Ursinus has adopted a Campus-wide policy that prohibits sexual assault, domestic violence, dating violence, and stalking. For incidents that are alleged to have occurred <u>on or after August 14, 2020</u> the policy in <u>Appendix A</u> applies. For incidents that are alleged to have occurred <u>prior to August 14, 2020</u> the policy in <u>Appendix B</u> applies.</b>
<b>What follows below in the next section are certain statements of policy that the Clery Act requires be provided in this Report. To the extent there are any discrepancies between the statements below and the policy, the Policy controls.</b>



## **Important Information Victims Should Follow & Reporting Procedures**

*\*If you believe that you have been the victim of sexual assault, domestic violence, dating violence, and stalking, please read the below section, in addition to the applicable policy based on the date of the alleged incident (see Important Note above). The policy will lay out information pertaining to the College's grievance procedures.*

### **Importance of Preserving Information**

It is important that victims seek medical attention even if they do not intend to report the sexual misconduct to the police because if a victim later decides to pursue legal options then the collected evidence may assist in criminal prosecution, a civil action, or in obtaining a civil protection order. A medical exam may also check for sexually transmitted diseases, infections, injuries or pregnancy. A test for "rape drugs" may also be requested, since evidence of these drugs leaves the body within two to 48 hours. Physical evidence should be collected as soon as possible following the sexual misconduct. It is important that the victim not bathe, shower, brush teeth, use mouthwash, comb hair, wash or dispose of clothing, or take other actions to clean up before going to the hospital.

Students can contact Wellness at [wellness@ursinus.edu](mailto:wellness@ursinus.edu) for a medical appointment to discuss options for emergency contraception, pregnancy testing, and STI testing.

To receive a rape kit to collect forensic evidence, students are encouraged to visit one of the following hospitals that the Victim Advocates from Victim Services Center of Montgomery County works with - this includes [Einstein \(Montgomery\)](#), [Lankenau](#), [Bryn Mawr](#), or [Pottstown](#) Hospitals.

Campus Safety can assist with providing transportation to a hospital if needed. If students are thinking about going to the hospital but have questions, please call the Victim Services Center hotline at 1-888-521-0983 for more information.

### **Options about the Involvement of Law Enforcement**

When a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual misconduct or stalking, whether the offense occurred on or off campus, the College will provide victims with information regarding their options for involving local law enforcement, including notification of the victim's option to:

- notify proper law enforcement authorities, including local police;
- be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
- decline to notify such authorities.

The process for filing a police report may vary by precinct. In most cases, however, after addressing a victim's immediate safety needs and/or needs for medical care, a law enforcement officer will meet with the victim and take a statement about what occurred. In cases of sexual violence or relationship violence in addition to taking a statement, the law enforcement officer

may ask to examine the scene of the incident and collect bedding, clothing, or other items of evidentiary value. The length of the law enforcement interview may vary depending on the circumstances of the case, and multiple interviews may be required

Contact information for the local police agencies follows:

Borough of Collegeville Police Department  
491 E. Main St., Collegeville, PA 19426  
Phone: 610-489-9332  
**Emergency: Call 911**

The College will cooperate with law enforcement agencies if a victim decides to pursue the criminal process, to the extent permitted by law. However, the College's policy may differ in significant respects from criminal law. Neither law enforcement's determination whether to prosecute, nor the outcome of any criminal prosecution is determinative of whether a College policy violation occurred. Procedures under College policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus.

#### Information about Orders of Protection & Similar Orders

Where applicable, when a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual misconduct or stalking, whether the offense occurred on or off campus, the College will provide victims with information regarding the rights of victims and the institution's responsibilities for orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or by the College. If you wish to obtain a protective order from the local courts, this is a proceeding independent of the College. If a court order is issued the College will, to the extent possible, assist the protected person in benefiting from the restrictions imposed by the court, and will also facilitate on-campus compliance with the order.

The protection order process is similar throughout Commonwealth but the process may vary depending on your county. For information about protective orders in Montgomery County, visit: <https://www.montcopa.org/1670/Protection-From-Abuse-PFA>

Separate from protective orders, the College can in some cases issue a "no contact" order pending the outcome of a College investigation. Such a directive serves as notice to the party on which it is served that they must not have verbal, electronic, written, or third party communication with the other. To request information about a College no contact order, contact the College's Title IX Coordinator. See below for contact information.

#### How to Report to the College

Options for making a report to the College are as follows. These reporting options are not mutually exclusive.

### **Contact the Title IX Coordinator**

Reports of Prohibited Conduct, whether Sexual and Gender-Based Misconduct or Title IX Misconduct, should when at all possible be made to the Title IX Coordinator.<sup>3</sup>

Individuals may also contact the Title IX Coordinator to ask about this Policy or to otherwise inquire about the College's responses to Prohibited Conduct in its Programs and Activities.

The Title IX Coordinator can be contacted by telephone or in person by appointment during regular office hours, or by email 24 hours a day, 7 days a week. Online reporting is also available on a 24/7 basis as explained below.

Contact information for the Title IX Coordinator is as follows:

**Dan Kelly**  
Title IX Office  
Student Affairs Suite, Wismer Center  
Ursinus College  
601 E Main St., Collegeville, PA 19426  
610-409-3590  
[dkelly@ursinus.edu](mailto:dkelly@ursinus.edu)

### **Make an Online or Anonymous Report**

Reports may be made to the Title IX Coordinator using the following link: [Online Reporting Link](#).

Individuals reporting through the Online Reporting Link have the **option** of disclosing their identity or remaining anonymous. While anonymous reports are accepted and reviewed carefully, the College's ability to investigate and or address Prohibited Conduct that is reported anonymously may be limited, and in some cases must be limited as a matter of Title IX law.

Individuals who report Prohibited Conduct through the Online Reporting Link, and who disclose their identity, will receive a response acknowledging receipt as well as the opportunity to speak with the Title IX Coordinator.

### **Report to an Official With Authority (OWA)**

In addition to the Title IX Coordinator, the following College employees are Officials With Authority: Student Affairs Deans, Academic Deans, and Associate Deans, the Director of Residence Life, and the Director of Human Resources.

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<sup>3</sup> To make a report of Prohibited Conduct about the Title IX Coordinator, individuals should report to Dean of Students (Missy Bryant) at 610-409-3590 or the Director of Human Resources (Cale Nelson) at 610-409-3185.

An Official with Authority has internal reporting obligations. Specifically, Officials with Authority are required to report to the Title IX Coordinator all information about Prohibited Conduct that they receive, regardless of how and when they learned of the information; e.g. whether the information was shared with them in the scope of their employment or in some other capacity.

Only a report to the Title IX Coordinator (either directly or from a Mandated Reporter) or an OWA triggers the College's obligation to respond to an allegation of Prohibited Conduct. In the case of a report of Prohibited Conduct to an OWA, the Title IX Coordinator will contact the Complainant.

### **Report to a Mandated Reporter**

Unless explicitly designated as a Confidential resource, all College officials, employees (including Resident Advisors and Peer Advocates) are Mandated Reporters under this Policy.

Mandated Reporters must report to the Title IX Coordinator as soon as possible, but in no case no more than 48 hours after observing or receiving information about Prohibited Conduct. The report must include all relevant known details about alleged/possible Prohibited Conduct including the names of the Complainant, Respondent, and any witnesses, and the date, time, and location of the alleged incident, to the extent such details are known by the Mandated Reporter. Failure by a Mandated Reporter to promptly share (within 48 hours) with the Title IX Coordinator all details they receive about Prohibited Conduct may subject them to appropriate discipline, up to and including termination of employment, in accordance with an applicable process.

Mandated Reporters are not required to report information about Prohibited Conduct disclosed at sexual misconduct public awareness events (e.g., Take Back the Night, candlelight vigils, protests, or survivor speak-outs in which participants may disclose incidents of Prohibited Conduct).

**Reminder:** only a report to the Title IX Coordinator (directly or through a Mandated Reporter) or an OWA will trigger the College's obligation to respond to an allegation of Prohibited Conduct, including by contacting the Complainant to discuss Supportive Measures; please consider making a report directly to the Title IX Coordinator to ensure a prompt response.

### *Written Notifications That Will Be Made Available*

When a student or employee reports to the College that the student or employee has been a victim of sexual assault, domestic violence, dating violence, or stalking, the College will provide the student or employee with written notification about the student's or employee's rights and options.

The College will also provide written notification to victims about available options for, assistance in, and how to request changes to academic, living, transportation and working situations, or protective measures. Following an alleged sex offense, the College will comply with a student's reasonable request for a living and/or academic situation change, if they are reasonably available, regardless of whether the individual chose to report the crime to Campus Safety or the local police. The College determines which measures are reasonably available and necessary for a particular individual on a case-by-case basis determined by the - Title IX Coordinator for student and employee related incidents.

In addition, the College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community. Specific contact information follows:

#### On-Campus Resources/Locations

- Wellness Center - Counseling Services x3100 (610-409-3100) - students only
- Prevention and Advocacy (610) 409-3590 – students only
- Employee Assistance Program (Metlife) 1-800-511-3920 - employees only

#### Off-Campus Resources/Locations

- Lankenau Hospital – 100 E. Lancaster Avenue, Wynnewood, PA 19096 - (forensic evidence collection available)
- Bryn Mawr Hospital – 130 S. Bryn Mawr Avenue, Bryn Mawr, PA 19010 - (forensic evidence collection available)
- National Sexual Violence Resource Center -<https://www.nsvrc.org/> -717-909-0710 or Toll Free: 877-739-3895
- Pennsylvania Coalition Against Rape -<http://www.pcar.org> -Toll Free Hotline: 888-772-7227
- Women Organized Against Rape -<http://www.woar.org> -215-985-3315 or Hotline: 215-985-3333
- Pennsylvania Coalition Against Domestic Violence -<http://www.pcadv.org> - 717-545-6400 or Toll Free: 800-932-4632
- Women Against Abuse -<http://www.womenagainstabuse.org> -Hotline: 866-723-3014
- Victim Services Center (Montgomery Co.) - <http://www.victimservicescenter.org> -24 Hour Crisis Hotline: 888-521-0983 - Sexual Violence Hotline: 610-277-5200 -Other Crimes: 610-ASSIST-1
- Family Law Unit of Philadelphia Legal Aid -<http://www.philalegal.org> and <https://www.philalegal.org/FLU> 215-981-3800
- The U.S. Department of Education, Office for Civil Rights – The Wanamaker Building – 100 Penn Square East, Suite 515 -Philadelphia, PA 19107-3323 – 215656-8541 – Facsimile: 215-656-8605 – Email: OCR.Philadelphia@ed.gov

- The U.S. Department of Education, Financial Aid – <http://www2.ed.gov/finaid/landing.jhtml>
- The U.S. Citizenship and Immigration Services – <https://www.uscis.gov>

*Additional Information about how Ursinus Handles Certain Information*

The College will complete publicly available record-keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the parties.

The College will also maintain as confidential any accommodation or protective measure provided to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodation or protective measure. The Title IX Coordinator, in consultation as needed with other appropriate College employees, will consider a number of factors in determining what information needs to be disclosed and to whom.

*\*For information pertaining to the College’s grievance procedures, see the applicable Policy in Appendix A or Appendix B.*

## **Disclosures Made to Alleged Victims of Crime of Violence or Nonforcible Sex Offenses**

Ursinus will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code) or a nonforcible sex offense the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a 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 federal Campus Sex Crimes Prevention Act went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information may be obtained. It 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.

Information regarding registered sex offenders on the campus of Ursinus College may be obtained from the following agencies:

Collegeville Police Department, 491 E. Main Street, Collegeville, PA., 610-489-9332

<https://www.meganslaw.psp.pa.gov/>

## Clery Act Statistics

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crimes reported on and around their campuses. Campus Safety collects the Clery crime statistics disclosed in the following charts through a number of methods. Campus Safety maintains a close relationship with all police departments where Ursinus owns or controls property to ensure that crimes reported directly to these police departments that involve the College are brought to the attention of Campus Police. In addition to collecting Clery crime statistics from local police departments, all reports of crime incidents made directly to Campus Safety (through dispatchers and officers) are entered into an integrated computer aided-dispatch systems/records management system. The entries are recorded in the system in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook and the FBI National Incident-Based Reporting System Handbook (sex offenses only). To ensure each report is appropriately classified in the correct crime category, after a dispatcher or officer enters the report in the system, a department administrator reviews the report to ensure it is appropriately classified. The department also periodically examines data in the system for appropriate classification.

In addition to the crime data that Campus Safety maintains, the College collects Clery crime statistics of reports made to campus security authorities. In terms of how the statistics are counted: the College is required to count certain offenses based on the number of criminal incidents reported to campus security authorities (one offense per distinct operation). For other offenses, however, the College is required to report an incident based on the number of victims. The statistics reported for the subcategories on liquor laws, drug laws, and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

## Campus Crime Statistic Definitions

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

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

**Sex Offenses:** Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program (UCR <https://www.fbi.gov/services/cjis/ucr>). A sexual offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim. Rape also occurs when a person engages in sexual intercourse with a person by forcible compulsion or the threat of forcible compulsion that would prevent resistance by a person of reasonable resolution, or when a person is unconscious or where the person knows that the victim is

unaware that the act is occurring. This definition includes any gender of victim or perpetrator.

- **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:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence:** Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the length and type of relationship; and the frequency of interaction between the persons involved in the relationship. *Dating violence is currently not specifically defined by Pennsylvania State statute.*

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA), 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. *Domestic Violence is currently not specifically defined by Pennsylvania state statute; however family abuse is. Abuse is defined as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.(2) Placing another in reasonable fear of imminent serious bodily injury.(3) The infliction of false imprisonment pursuant to 18 Pa. C.S. §2903 (relating to false imprisonment).(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).*

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or to suffer substantial emotional distress. A person commits the crime of stalking when the person either:



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

**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 a means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.

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

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

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

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

**Drug Law 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).

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

### **Offenses Reportable Only if they are Hate Crimes**

*Hate Crimes: Any of the above offenses, and any other crime involving bodily injury, committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, national origin, or disability.*

**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.

**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, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Clery Geography Definitions**

### **On-Campus:**

- 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
- Any building or property that is within or reasonably contiguous to the campus that is owned by the institution but controlled by another person, if frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Residence Halls:** 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.

**Noncampus:**

- Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
- 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, if frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

## Statistics

	On Campus			Residence Halls			Public Property			NonCampus Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses- Rape <sup>4</sup>	8*	6	3	8*	5	3	0	0	0	0	0	0
Sex Offenses- Fondling	6	10	8	4	10	7	0	0	0	0	0	0
Sex Offenses- Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses- Incest	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	2	1	2	2	1	2	0	0	0	0	0	0
Stalking	8	2	2	5	2	1	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	1	0	0	2	0	0	0	0	0
Burglary	0	0	2	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	1	0	2	0	0	0	0	0	0	0	0	0
Arson	2	0	0	1	0	0	0	0	0	0	0	0
Hate Crime/Larceny-Theft	0	1	0	0	1	0	0	0	0	0	0	0
Hate Crime/Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crime/Intimidation	1	0	0	0	0	0	0	0	1	0	0	0
Hate Crime/Destruction/Vandalism	0	0	2	0	0	2	0	0	0	0	0	0

## Hate Crimes

2021

- One on campus Intimidation incident characterized by Sexual Orientation.

2022

- One residence hall Larceny-Theft incident characterized by Ethnicity.

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\*One of the reported instances of stalking in 2021 was alleged to have occurred during the 2018-2019 school year.

\*One of the reported instances of Rape in 2021 was alleged to have occurred during the 2014-2015 school year.

2023

- One public property Intimidation incident characterized by Race
- One residence hall Vandalism incident characterized by Gender Identity
- One residence hall Vandalism incident characterized by Religion

\*There were no unfounded crimes in 2021, 2022, or 2023

## Arrests

Violation Location	On Campus			Residence Halls			Public Property			NonCampus Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Illegal Weapons Possessions	0	0	1	0	0	0	0	0	0	0	0	0
Drug Law Violations <sup>5</sup>	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations <sup>6</sup>	0	0	0	0	0	0	0	0	0	0	0	0

## Disciplinary Actions

Violation Location	On Campus			Residence Halls			Public Property			NonCampus Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations <sup>7</sup>	34	27	15	26	23	14	4	0	0	0	0	0
Liquor Law Violations <sup>8</sup>	52	58	53	52	55	53	0	0	0	0	0	0

# Annual Fire Safety Report

If a fire occurs in a campus building, community members should immediately notify Campus Safety at 610-409-3333. Campus Safety Officers are the first responders for all fire alarms and can summon the fire department quickly if a fire exists. If a community member finds evidence of a fire that has been extinguished, it is still essential to immediately notify Campus Safety to investigate and document the incident.

Audible/Visual fire alarms alert community members of a potential hazard. Community members are required to heed their warning and evacuate a building immediately upon activation of a fire alarm in a facility. Once outside, follow directions of College officials as to where to congregate safely. Community members should familiarize themselves with all exits in each building and be prepared to evacuate through a different egress point than one may have arrived. The Fire Marshal can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety reasons!

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If caught in the elevator, occupant(s) can push the emergency phone button. The emergency phones in all elevators on campus ring to the Campus Safety desk.

Ursinus publishes this fire safety report as part of its annual Clery Compliance document, which contains information with respect to the fire safety practices and standards for Ursinus. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire.

## Fire Protection Equipment/Systems

College buildings are equipped with fire alarm systems, smoke/heat detectors, and fire extinguishers. In addition, all residence halls are equipped with automatic sprinkler systems. The fire protection criteria conform to the requirements and recommended practices contained in the current National Fire Code published by the National Fire Protective Association (NFPA). Except as otherwise noted, National Fire Code requirements shall provide the basic level protection. Fire protection includes all measures relating to preventing, detecting, controlling, and extinguishing fires to minimize damage to property; and more importantly all measures pertaining to safeguarding life against the hazards of fire. Such measures include, but are not limited to, the following:

- Providing safe egress routes from all areas within buildings;
- Detecting or suppressing fires in the earliest stages;
- Identifying and eliminating hazardous procedures, operations, and conditions;
- Guarding against or controlling fire hazards that cannot be eliminated;
- Establishing safe practices consistent with operations; and

- Motivating, training and educating all personnel in fire safety.

The fire protection program shall include providing adequate fire protection and fire suppression systems, training all personnel in fire prevention, incorporating fire safety design features in new construction and renovation projects, inspecting and maintaining fire protection equipment and systems, detecting and correcting fire

## **Fire Regulations**

The following activities are prohibited on campus due to fire safety:

- Playing with fire
- Possession/lighting of fireworks, smoke bombs, explosives, or corrosive or flammable chemicals
- Propane tanks of any size
- Disposing of cigarettes negligently
- Owning/Burning candles
- Overloading electrical sockets
- Tampering with fire extinguishers, smoke detectors, fire alarms, and sprinklers (keep 18” clearance around sprinkler heads)
- Possession and use of halogen lamps
- Space heaters (in residence halls)
- Personal cooking appliances with heating elements (in residence halls)
- Smoking tobacco products, hookahs, or vaporizing devices (including e-cigarettes) inside any College building or within 20 feet of any building exit.

**\*\*\*All campus residence halls are equipped with fire/life safety equipment as listed in the chart on the following pages. \*\*\***

**\*\*\*The proceeding charts list the reported fires within residence halls during the previous three years. \*\***

## 2021 Residence Hall Fire Report

Residence Halls	Fire Alarm Monitoring Done on Site (by UC)	Fire Alarm Monitoring Done Off- Site (by Simplex)	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Number of evacuation (fire) drills each academic year
201 9 <sup>th</sup> Ave.	X		X	X	X	2
424 E. Main St. (COVID-19 Housing)		X	X	X	X	2
426 E. Main St. (COVID-19 Housing)		X	X	X	X	2
444 E. Main St. (COVID-19 Housing)		X	X	X	X	2
476 E. Main St. (COVID-19 Housing)		X	X	X	X	2
624 E. Main St.	X		X	X	X	2
732 E. Main St.	X		X	X	X	2
777 E. Main St.	X		X	X	X	2
942 E. Main St.		X	X	X	X	2
944 E. Main St.		X	X	X	X	2
Beardwood Hall – 507 Main Campus Dr.	X		X	X	X	2
Brodbeck Hall – 604 Main Campus Dr.	X		X	X	X	2
Carriage House – 732R E. Main St.	X		X	X	X	2
Clamer Hall – 409 E. Main St.		X	X	X	X	2
Cloake House – 811 E. Main St.	X		X	X	X	2
Commonwealth Hall - 500 E. Main St.	X		X	X	X	2
Curtis Hall – 608 Main Campus Dr.	X		X	X	X	2
Duryea Hall – 612 E. Main St.	X		X	X	X	2
Elliott House – 785 E. Main St.	X		X	X	X	2
Fetterolf House – 554 E. Main St.	X		X	X	X	2
Hobson Hall – 568 E. Main St.	X		X	X	X	2
Isenberg Hall – 801 E. Main St.	X		X	X	X	2
Lynnwood Hall – 702 E. Main St.	X		X	X	X	2



Maples Hall – 512 E. Main St.	X		X	X	X	2
Musser Hall – 23 6 <sup>th</sup> Ave.	X		X	X	X	2
New Hall – 514 Main Campus Dr.	X		X	X	X	2
Olevian Hall – 640 E. Main St.	X		X	X	X	2
Omwake Hall – 701 E. Main St.	X		X	X	X	2
Paisley Hall – 505 Main Campus Dr.	X		X	X	X	2
Reimert Hall – 708 Main Campus Dr.	X		X	X	X	2
Richter/North Hall – 510 Main Campus Dr.	X		X	X	X	2
Schaff Hall – 646 E. Main St.	X		X	X	X	2
Shreiner Hall – 600 E. Main St.	X		X	X	X	2
Stauffer Hall – 503 Main Campus Dr.	X		X	X	X	2
Todd Hall – 724 E. Main St.	X		X	X	X	2
Wicks Hall – 716 E. Main St.	X		X	X	X	2
Wilkinson Hall – 606 Main Campus Dr.	X		X	X	X	2
Yost House – 33 6 <sup>th</sup> Ave.	X		X	X	X	2
Zwingli Hall – 620 E. Main St.	X		X	X	X	2

## 2021 Reported Fires in Residence Halls

Residence Halls	Total Fires in Each Building	Date	Time	Cause of Fire	# of Injuries Requiring Medical Facility Treatment	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Incident Report Number
201 9 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A
424 E. Main St. (COVID-19 Housing)	0	N/A	N/A	N/A	0	0	N/A	N/A
426 E. Main St. (COVID-19 Housing)	0	N/A	N/A	N/A	0	0	N/A	N/A
444 E. Main St. (COVID-19 Housing)	0	N/A	N/A	N/A	0	0	N/A	N/A
476 E. Main St. (COVID-19 Housing)	0	N/A	N/A	N/A	0	0	N/A	N/A
624 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A

732 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
777 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
942 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
944 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Beardwood-Paisley-Stauffer Hall – 503-507 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Brodbeck –Wilkinson-Curtis Hall – 604-608 Main Campus Dr.	1	11/17/2021	6:06PM	Arson – Fire in a Trashcan	0	0	\$0-\$99	2021082701
Carriage House – 732R E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Clamer Hall – 409 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Cloake House – 811 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Commonwealth Hall - 500 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Duryea Hall – 612 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Elliott House – 785 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Fetterolf House – 554 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Hobson Hall – 568 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Isenberg Hall – 801 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Keigwin Hall – 513 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Lynnwood Hall – 702 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Maples Hall – 512 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Musser Hall – 23 6 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A
New Hall – 514 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Olevian Hall – 640 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Omwake Hall – 701 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Reimert Hall – 708 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Richter/North Hall – 510 Main Campus Dr.	1	10/25/2021	2:30PM	Cooking Accident	0	0	\$649.00	2021070501
Schaff Hall – 646 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Shreiner Hall – 600 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Todd Hall – 724 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A

Wicks Hall – 716 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Yost House – 33 6 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A
Zwingli Hall – 620 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A

## 2022 Residence Hall Fire Report

Residence Halls	Fire Alarm Monitoring Done on Site (by UC)	Fire Alarm Monitoring Done Off- Site (by Simplex)	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Number of evacuation (fire) drills each academic year
201 9 <sup>th</sup> Ave.	X		X	X	X	2
624 E. Main St.	X		X	X	X	2
732 E. Main St.	X		X	X	X	2
777 E. Main St.	X		X	X	X	2
942 E. Main St.		X	X	X	X	2
944 E. Main St.		X	X	X	X	2
Beardwood Hall – 507 Main Campus Dr.	X		X	X	X	2
Brodbeck Hall – 604 Main Campus Dr.	X		X	X	X	2
Carriage House – 732R E. Main St.	X		X	X	X	2
Clamer Hall – 409 E. Main St.		X	X	X	X	2
Cloake House – 811 E. Main St.	X		X	X	X	2
Commonwealth Hall - 500 E. Main St.	X		X	X	X	2
Curtis Hall – 608 Main Campus Dr.	X		X	X	X	2
Duryea Hall – 612 E. Main St.	X		X	X	X	2
Elliott House – 785 E. Main St.	X		X	X	X	2
Fetterolf House – 554 E. Main St.	X		X	X	X	2
Hobson Hall – 568 E. Main St.	X		X	X	X	2

Isenberg Hall – 801 E. Main St.	X		X	X	X	2
Lynnwood Hall – 702 E. Main St.	X		X	X	X	2
Maples Hall – 512 E. Main St.	X		X	X	X	2
Musser Hall – 23 6 <sup>th</sup> Ave.	X		X	X	X	2
New Hall – 514 Main Campus Dr.	X		X	X	X	2
Olevian Hall – 640 E. Main St.	X		X	X	X	2
Omwake Hall – 701 E. Main St.	X		X	X	X	2
Paisley Hall – 505 Main Campus Dr.	X		X	X	X	2
Reimert Hall – 708 Main Campus Dr.	X		X	X	X	2
Richter/North Hall – 510 Main Campus Dr.	X		X	X	X	2
Schaff Hall – 646 E. Main St.	X		X	X	X	2
Shreiner Hall – 600 E. Main St.	X		X	X	X	2
Stauffer Hall – 503 Main Campus Dr.	X		X	X	X	2
Todd Hall – 724 E. Main St.	X		X	X	X	2
Wicks Hall – 716 E. Main St.	X		X	X	X	2
Wilkinson Hall – 606 Main Campus Dr.	X		X	X	X	2
Yost House – 33 6 <sup>th</sup> Ave.	X		X	X	X	2
Zwingli Hall – 620 E. Main St.	X		X	X	X	2

## 2022 Reported Fires in Residence Halls

Residence Halls	Total Fires in Each Building	Date	Time	Cause of Fire	# of Injuries Requiring Medical Facility Treatment	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Incident Report Number
201 9 <sup>th</sup> Ave.	1	11/05/2022	6:52PM	Cooking	0	0	\$1,085	20221034
624 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A

732 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
777 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
942 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
944 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Beardwood-Paisley-Stauffer Hall – 503-507 E. Main St.	2	(1)Paisley:07/07/2022 (2)Stauffer:08/25/2022	(1)8:15PM (2)8:57PM	(1)Cooking (2)Electrical	0	0	(1)\$190 (2)\$0-99	(1)20220716 (2)20220661
Brodbeck –Wilkinson-Curtis Hall – 604-608 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Carriage House – 732R E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Clamer Hall – 409 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Cloake House – 811 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Commonwealth Hall - 500 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Duryea Hall – 612 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Elliott House – 785 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Fetterolf House – 554 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Hobson Hall – 568 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Isenberg Hall – 801 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Lynnwood Hall – 702 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Maples Hall – 512 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Musser Hall – 23 6 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A
New Hall – 514 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Olevian Hall – 640 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Omwake Hall – 701 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Reimert Hall – 708 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Richter/North Hall – 510 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Schaff Hall – 646 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Shreiner Hall – 600 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Todd Hall – 724 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Wicks Hall – 716 E. Main St.	1	08/31/2023	7:04PM	Cooking	0	0	\$1248	20220743
Yost House – 33 6 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A

Zwingli Hall – 620 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
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## 2023 Residence Hall Fire Report

Residence Halls	Fire Alarm Monitoring Done on Site (by UC)	Fire Alarm Monitoring Done Off- Site (by Simplex)	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Number of evacuation (fire) drills each academic year
201 9 <sup>th</sup> Ave.	X		X	X	X	2
624 E. Main St.	X		X	X	X	2
732 E. Main St.	X		X	X	X	2
777 E. Main St.	X		X	X	X	2
942 E. Main St. (Spring 2023 Semester Only)		X	X	X	X	2
944 E. Main St. (Spring 2023 Semester Only)		X	X	X	X	2
Beardwood Hall – 507 Main Campus Dr.	X		X	X	X	2
Brodbeck Hall – 604 Main Campus Dr.	X		X	X	X	2
Clamer Hall – 409 E. Main St.		X	X	X	X	2
Cloake House – 811 E. Main St.	X		X	X	X	2
Commonwealth Hall - 500 E. Main St.	X		X	X	X	2
Curtis Hall – 608 Main Campus Dr.	X		X	X	X	2
Duryea Hall – 612 E. Main St.	X		X	X	X	2
Elliott House – 785 E. Main St.	X		X	X	X	2
Fetterolf House – 554 E. Main St.	X		X	X	X	2
Hobson Hall – 568 E. Main St.	X		X	X	X	2
Isenberg Hall – 801 E. Main St.	X		X	X	X	2
Lynnwood Hall – 702 E. Main St.	X		X	X	X	2
Maples Hall – 512 E. Main St.	X		X	X	X	2
Musser Hall – 23 6 <sup>th</sup> Ave.	X		X	X	X	2

New Hall – 514 Main Campus Dr.	X		X	X	X	2
Olevian Hall – 640 E. Main St.	X		X	X	X	2
Omwake Hall – 701 E. Main St.	X		X	X	X	2
Paisley Hall – 505 Main Campus Dr.	X		X	X	X	2
Reimert Hall – 708 Main Campus Dr.	X		X	X	X	2
Richter/North Hall – 510 Main Campus Dr.	X		X	X	X	2
Schaff Hall – 646 E. Main St.	X		X	X	X	2
Shreiner Hall – 600 E. Main St.	X		X	X	X	2
Stauffer Hall – 503 Main Campus Dr.	X		X	X	X	2
Todd Hall – 724 E. Main St.	X		X	X	X	2
Wicks Hall – 716 E. Main St.	X		X	X	X	2
Wilkinson Hall – 606 Main Campus Dr.	X		X	X	X	2
Yost House – 33 6 <sup>th</sup> Ave.	X		X	X	X	2
Zwingli Hall – 620 E. Main St.	X		X	X	X	2

## 2023 Reported Fires in Residence Halls

Residence Halls	Total Fires in Each Building	Date	Time	Cause of Fire	# of Injuries Requiring Medical Facility Treatment	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Incident Report Number
201 9 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A
624 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
732 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
777 E. Main St.	1	12/09/2023	6:48pm	Cooking	0	0	<\$99	20231115
942 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
944 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A

Beardwood-Paisley-Stauffer Hall – 503-507 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Brodbeck –Wilkinson-Curtis Hall – 604-608 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Clamer Hall – 409 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Cloake House – 811 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Commonwealth Hall - 500 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Duryea Hall – 612 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Elliott House – 785 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Fetterolf House – 554 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Hobson Hall – 568 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Isenberg Hall – 801 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Lynnwood Hall – 702 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Maples Hall – 512 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Musser Hall – 23 6 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A
New Hall – 514 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Olevian Hall – 640 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Omwake Hall – 701 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Reimert Hall – 708 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Richter/North Hall – 510 Main Campus Dr.	0	N/A	N/A	N/A	0	0	N/A	N/A
Schaff Hall – 646 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Shreiner Hall – 600 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Todd Hall – 724 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A
Wicks Hall – 716 E. Main St.	1	02/12/2023	9:25pm	Cooking	0	0	<\$99	20230200
Yost House – 33 6 <sup>th</sup> Ave.	0	N/A	N/A	N/A	0	0	N/A	N/A
Zwingli Hall – 620 E. Main St.	0	N/A	N/A	N/A	0	0	N/A	N/A





# Appendix A

## Policy Statement

The College is committed to creating and maintaining a safe and non-discriminatory learning and work environment that is free from sexual and gender-based discrimination, harassment, and related misconduct.<sup>9</sup> The College does not discriminate on the basis of sex, gender, or gender identity in any of its Programs or Activities.<sup>10</sup>

The Policy prohibits the types of conduct listed below and defined in [Section IV](#) (also referred to collectively as “Prohibited Conduct”):

- 1) Sexual and Gender-Based Misconduct (i.e., Sexual Assault; Sexual Exploitation, Non-Title IX Sexual Harassment; Gender-Based Harassment; Sex and/or Gender-Based Stalking; Dating Violence; Domestic Violence; and Sex- and Gender-Based Discrimination);
- 2) Title IX Misconduct (i.e., Quid Pro Quo Sexual Harassment; Severe, Pervasive and Objectively Offensive Sexual Harassment; Sexual Assault; and Sex-Based Dating Violence, Domestic Violence, and Stalking, as each is defined by and specifically articulated to be within the scope of Title IX);
- 3) Intimidation; and
- 4) Retaliation.

The College must define and respond to Title IX Misconduct as required by regulations issued in May 2020 by the U.S. Department of Education to implement Title IX of the Education Amendments of 1972, codified at 34 C.F.R. Part 106 (the “Title IX Regulations”). The Title IX Regulations allow the College to define and regulate Prohibited Conduct that falls outside the definition of Title IX Misconduct, but that which the College is committed to addressing as a matter of College policy and/or as required by other applicable law. Accordingly, the Policy is consistent with the Title IX Regulations, as well as the College’s mission and commitment to ensuring a safe and non-discriminatory campus community.

The College adopts this Policy with a commitment to: (1) deter, eliminate, and address the effects of Prohibited Conduct; (2) foster an environment where all individuals are well-informed and supported in reporting Prohibited Conduct; and (3) provide a prompt, fair, and impartial process pursuant to which alleged violations of this Policy will be evaluated.

This Policy is intended to meet the College’s obligations under Title IX of the Education Amendments of 1972 (Title IX); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA), with respect to its application to sex and gender-based misconduct; Title VII of the Civil Rights Act of 1964 (Title VII) with respect to its application to

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<sup>9</sup> The types of conduct prohibited by the Policy are defined in [Section IV](#) below.

<sup>10</sup> Terms defined in [Section IV](#) below are capitalized throughout the Policy.

sex and gender-based misconduct; and other related and applicable law, including Pennsylvania's Act 16 of 2019.

The requirements and protections of the Policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of protected class status or status as a Complainant, Respondent, or Witness.

This Policy shall be applied in a way that is consistent with the College's principles of academic freedom. The College is committed to the free and vigorous discussion of ideas and issues, which the College believes will be protected by this Policy. Academic freedom and the related freedom of expression include, but are not limited to, the civil expressions of ideas – however controversial – in the classroom, residence halls, and other teaching and student living environments.

The College encourages students, faculty and staff to familiarize themselves with the Policy and the related grievance procedures for addressing reports of Prohibited Conduct. We invite you to ask questions, make recommendations, and do your part to foster an environment free of Prohibited Conduct.

The College's Title IX Coordinator is responsible for administering the Policy, including the procedures for resolving Formal Complaints.<sup>11</sup> The College's Title IX Coordinator is Dan Kelly. Mr. Kelly may be contacted at:

**Dan Kelly**  
Title IX Office  
Student Affairs Suite, Wismer Center  
Ursinus College  
601 E Main St., Collegeville, PA 19426  
610-409-3590  
[dkelly@ursinus.edu](mailto:dkelly@ursinus.edu)

## **Policy Scope and Jurisdiction**

The Policy applies to all members of the College community (students, faculty, and staff), as well as to certain third parties (e.g., individuals who are neither students nor employees, including but not limited to guests, contractors and consultants).

The Policy covers acts of **Sexual and Gender-Based Misconduct** (as defined in [Section IV](#) below) committed by or against students, employees, and third parties when the Prohibited Conduct occurs:

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<sup>11</sup> All references in the Policy to the Title IX Coordinator should be understood to also include any individual acting as a designee of the Title IX Coordinator.

- On the College’s campus or other property owned or controlled by the College;
- In the context of a College Program or Activity, including, but not limited to, research, internship programs, or employment; or
- Outside of a College Program or Activity but poses a serious threat of harm; has a continuing adverse effect on; or creates a hostile environment for College students, employees, or third parties while on the College’s campus or other property owned or controlled by the College, or in any College Program or Activity. In determining whether College has jurisdiction over off-campus or online conduct that did not occur in a College Program or Activity, the College will consider the severity of the alleged conduct; the risk of ongoing harm; whether both parties are members of the College community; the impact on College Programs or Activities; and whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

The Policy also covers acts of **Title IX Misconduct** (as defined in [Section IV](#) below) committed (1) on or after August 14, 2020<sup>12</sup>; (2) in the United States; (3) by or against College students or employees participating or seeking to participate in a College Program or Activity.

College students and employees who violate this Policy may face, as appropriate, disciplinary action up to and including termination and expulsion; third parties who violate this Policy also face responsive action as appropriate and available.

This Policy supersedes any conflicting information in any other College policy with respect to the definitions or procedures relating to Prohibited Conduct. The elements established in the Policy for resolution of reports and Formal Complaints of Prohibited Conduct have no effect on and are not transferable to any other policy of the College and will not apply to any alleged violation of the Code of Conduct, employment policies, or to any alleged civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

## Definitions

### Key Policy Definitions

Key terms used in the Policy are defined as follows. Additional terms are defined within the text of the Policy.

- 1) **College Program or Activity:** Includes: (1) the College’s campus and any other property owned the College; (2) any location, event, or circumstance where the College exercises substantial control over both the Respondent and the context in which the conduct occurs, including all

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<sup>12</sup> Title IX Misconduct that occurred before August 14, 2020 is prohibited by College policy, including but not limited to, the Student Handbook in effect when the alleged Title IX Misconduct occurred.

education programs/activities offered by the College; and (3) any building owned or controlled by a student organization recognized by the College.

- 2) **Complainant:** The student, employee, or third party who is reported to have experienced Prohibited Conduct in violation of this Policy.
- 3) **Formal Complaint:** A document signed by a Complainant or by the Title IX Coordinator alleging that a Respondent engaged in Prohibited Conduct and requesting initiation of the College's grievance process (compare with "Report").
- 4) **Mandated Reporter:** College employees who are required by the College to report to the Title IX Coordinator information about alleged Prohibited Conduct. For a full list of College officials that meet this definition, *see* [Section VIII.A.4](#) Policy.
- 5) **Official With Authority (OWA):** an individual with the authority to institute corrective action on behalf of the College and notice to whom causes the College to respond to Title IX Misconduct. For a full list of College officials that meet this definition, *see* [Section VIII.A.3](#) Policy.
- 6) **Prohibited Conduct:** An umbrella term referring to both Sexual and Gender-Based Misconduct and Title IX Misconduct, as those terms are defined below.
- 7) **Protected Activity:** Includes most elements of participation in the College's processes related to this Policy, including but not limited to reporting Prohibited Conduct, pursuing resolution of a report of Prohibited Conduct, providing evidence in any investigation or hearing, or intervening to protect others who may have suffered Prohibited Conduct.
- 8) **Reasonable Person:** A person using average care, intelligence, and judgment in the known circumstances.
- 9) **Relevant Evidence and Questions:** Any evidence and questions that tend to make an allegation of Prohibited Conduct more or less likely to be true. Relevant evidence and questions do not include the following, which are deemed "irrelevant" for purposes of the Title IX/Sexual Misconduct Grievance Process:
  - Evidence and questions about the Complainant's sexual predisposition;
  - Evidence and questions about the Complainant's prior sexual behavior unless:
    - The solicited information is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or
    - Such information concerns specific incidents of the Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent. 34 C.F.R. § 106.45(6)(i).
  - Evidence questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege, *unless such privilege is waived*.
  - A party's medical, psychological, and similar records unless the party gives voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).
- 10) **Report:** Disclosure of alleged Prohibited Conduct without the expectation of initiating the College's grievance process (compare with "Formal Complaint").
- 11) **Respondent(s):** The individual(s) who is reported to have engaged in conduct that could constitute Prohibited Conduct in violation of this Policy.
- 12) **Witness:** A person who has factual information about alleged violation(s) of this Policy.

## **Prohibited Conduct & Related Definitions**

**Prohibited Conduct** under this Policy includes **Sexual and Gender-Based Misconduct** (i.e., Sexual Assault; Sexual Exploitation, Non-Title IX Sexual Harassment; Gender-Based Harassment; Sex and/or Gender-Based Stalking; Dating Violence; Domestic Violence; and Sex- and Gender-Based Discrimination) and **Title IX Misconduct** (i.e., Quid Pro Quo Sexual Harassment; Severe, Pervasive and Objectively Offensive Sexual Harassment; Sexual Assault; and Sex-Based Dating Violence, Domestic Violence, and Stalking, each as defined by and within the scope of Title IX), as defined below.

Whether someone engaged in Prohibited Conduct under this Policy will be assessed under a Reasonable Person standard, as defined above.

- 1) **Consent:** Some forms of Prohibited Conduct involve the issue of Consent. For purposes of this Policy, *consent* to engage in sexual activity must be informed, knowing, and voluntary; consent must exist throughout and continually during each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent is active, not passive. An individual who is incapacitated (as defined below) due to alcohol, drugs, sleep, or unconsciousness, or otherwise lacks the capacity to provide consent due to an intellectual or other disability, cannot consent to engage in Sexual Activity.

Sexual Activity for purposes of this section refers to any conduct of a sexual nature for which Consent is required under this Policy (e.g. Sexual Assault). A person who initiates Sexual Activity is responsible for obtaining Consent for that conduct.

### **Guidance for Identifying Consent:**

- Prior to initiating a sexual encounter, one is expected to obtain consent to each act of sexual activity prior to initiating such activity. Consent to one form of Sexual Activity does not constitute consent to engage in all forms of Sexual Activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end Sexual Activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of **resistance**, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other’s willingness to continue before continuing such activity.

- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in each sexual activity.
  - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
  - Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise their own free will to choose whether or not to have sexual contact.
  - In the Commonwealth of Pennsylvania, the age of majority is 18. Under state law, consent cannot be given by minors under the age of 13 and can only be given by a minor under the age of 16, if the other party is less than four (4) years older than the minor.
- 2) **Coercion:** The use of pressure to compel another individual to initiate or continue Sexual Activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the Sexual Activity.
  - 3) **Force:** The use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.
  - 4) **Incapacitation:** Occurs when an individual temporarily or permanently lacks the ability to make informed, rational judgments and cannot consent to sexual activity. An individual who is incapacitated due to alcohol, drugs, sleep or unconsciousness, or otherwise lacks the capacity to provide consent due to an intellectual or other disability, cannot consent to engage in sexual activity.

Guidance for Identifying Incapacitation:

- Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, unsteady gait, odor of alcohol, combativeness, and/or emotional volatility. Witnessing or knowing the person consumed alcohol and/or other drugs should be considered a warning sign of possible incapacitation.
- Someone is incapacitated when any of the following are diminished:
  - decision-making ability;
  - awareness of consequences;
  - ability to make informed judgments;
  - capacity to appreciate the nature and the quality of an action.



- Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.
  - The College considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.
  - Being intoxicated or impaired by drugs and/or alcohol is never an excuse for Prohibited Conduct and does not diminish one's responsibility to obtain informed and freely given consent.
- 5) **Intimidation:** Implied threats or acts that frighten someone.
- 6) **Sexual and Gender-Based Misconduct:** Sexual and Gender-Based Misconduct is an umbrella term that includes each of the following types of misconduct.
- a) **Sexual Assault:** Sexual Assault is Sexual Contact that occurs without Consent. Sexual Contact includes:
- Intentional sexual touching of another person's breasts, buttocks, or genitals, whether clothed or unclothed (including intentional touching with ejaculate);
  - Intentional sexual touching with one's breast, buttocks, or genitals (including touching with ejaculate);
  - Making a person touch another person or themselves with or on any of these body parts; and/or
  - Vaginal, oral, or anal penetration or contact by a penis, tongue, finger, or other object.
- b) **Sexual Exploitation:** Taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. Sexual exploitation includes, but is not limited to, the following actions (including when they are done via electronic means, methods, or devices):
- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
  - Indecent exposure or inducing others to expose themselves when consent is not present;
  - Recording or distributing information, images, or recordings of any person engaged in sexual or intimate activity or in the nude without that person's consent;
  - Prostituting another individual;
  - Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
  - Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

- c) **Non-Title IX Sexual Harassment:** Non-Title IX Sexual Harassment, sometimes referred to as “Sexual Harassment” herein, is unwelcome conduct of a sexual nature, whether verbal, graphic (e.g. pictures, videos), physical or otherwise, when:
- Submission to such conduct is made, either explicitly or implicitly, a term or condition of a person’s employment, education, living environment, or participation in any College Program or Activity;
  - Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual’s employment, education, living environment, or participation in a College Program or Activity; and/or
  - Such conduct creates a hostile environment. A hostile environment exists when the conduct of a sexual nature is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s participation in a College Program or Activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and an objective perspective. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior. Although a hostile environment is generally created through a series of incidents, for purposes of this Policy, a severe incident, even if isolated, can be sufficient.
- d) **Gender-Based Harassment:** Gender-Based Harassment includes harassment based on actual or perceived sex, sexual orientation, gender identity, gender expression, or pregnancy. Such harassment may include acts of aggression, intimidation, or hostility, whether verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the behavior:
- Adversely affects a term or condition of an individual’s employment, education, living environment, or participation in a College Program or Activity;
  - Is used as the basis for or a factor in decisions affecting that individual’s employment, education, living environment, or participation in a College Program or Activity; and/or
  - Creates a hostile environment for that individual’s participation in a College Program or Activity. A hostile environment exists when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s participation in a College Program or Activity, or creates an intimidating, hostile, offensive, or abusive environment for that individual’s employment, education, living, or participation in a College Program or Activity. Conduct must be deemed severe, persistent, or pervasive from both a subjective and objective standard. In evaluating whether a hostile environment exists, the College will consider the totality of known circumstances, including the nature, frequency, intensity, location, context, and duration of the behavior. Although a harassing hostile environment is generally created through a series of incidents, for purposes of this Policy, a severe incident, even if isolated, can be sufficient to constitute a hostile environment.

In some cases, harassment may be based on multiple protected class bases included in the College's [Nondiscrimination Statement](#). In general, harassment involving protected class bases other than actual or perceived gender, sexual orientation, gender identity, or gender expression might fall under other College policies. For matters involving Student Respondents, this would include the [Student Code of Conduct](#) and [Policy on Discriminatory Acts](#). For matters involving Employee or Third-Party Respondents, this could include, but is not limited to the College's [Nondiscrimination and Equal Employment Opportunity Policy](#) and [Policy on Discriminatory Acts](#).

Where reported harassment may be based on both sex or gender (including actual or perceived sex, sexual orientation, gender identity, gender expression or pregnancy) and another protected class basis (e.g., race, color, national origin, age, marital status, disability, religion, height, weight, or veteran status), the Title IX Coordinator will consult with other College officials, as needed, to determine whether the matter is most appropriately addressed under this Policy or another College policy, or whether different aspects of the matter should be addressed separately under different policies.

- e) **Dating Violence:** Violence committed by a person:
- Who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; noting that,
  - The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the following factors: a) the length of the relationship; b) the type of relationship; and c) the frequency of interaction between the persons involved in the relationship.

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence, for purposes of this Policy, does not include emotional abuse.

- f) **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or who has cohabitated with the alleged victim as a spouse, by a person similarly situated to a spouse of the alleged victim under the domestic or family laws of the Commonwealth of Pennsylvania, 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 Commonwealth of Pennsylvania.<sup>13</sup>

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<sup>13</sup> While there is no distinct definition of "Domestic Violence" under the Pennsylvania Crimes Code, under the criminal laws of Pennsylvania certain offenses, including but not limited to, rape, aggravated assault, and stalking, can be deemed domestic violence depending on the relationship of the parties involved. If a criminal complaint is made to law enforcement outside of the College, the probable cause standard will apply to the complaint (this is a different standard than applies to campus disciplinary matters, as set forth later in the Policy).

- g) **Sex or Gender-Based Stalking:** Engaging in a course of conduct directed at a specific person under circumstances that would cause a Reasonable Person<sup>14</sup> to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress.
- Course of conduct means two or more acts including, but not limited to, acts in which a person 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 in a way prohibited as described above, or interferes with a person's property.
- h) **Sex and Gender-Based Discrimination:** Sex and Gender-Based Discrimination is conduct that is based upon an individual's sex, sexual orientation, gender identity, gender expression, or pregnancy that:
- Adversely affects a term or condition of an individual's employment, education, living environment, or participation in a College Program or Activity; and/or
  - Is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a College Program or Activity.
- 7) **Title IX Misconduct:** While this may seem similar to definitions above, Title IX Misconduct is a very specific concept under federal law. Title IX Misconduct, or Title IX-defined "Sexual Harassment", is conduct that occurs (1) in the United States; (2) in a College Program or Activity or to a Complainant who is seeking to engage in such a Program or Activity; and (3) on the basis of sex, in which:
- A College employee conditions the provision of a College aid, benefit, or service on an individual's participation in unwelcome sexual conduct (sometimes called quid pro quo sexual harassment);
  - A College student, employee, or third party engages in unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies another person equal access to a College Program or Activity (sometimes called severe, pervasive, and objectively offensive sexual harassment); or
  - A College student, employee, or third party in the United States engages in: Sex or Gender-Based Stalking (defined above); Dating Violence (defined above); Domestic Violence (defined above); or Sexual Assault as defined for purposes of the FBI's Uniform Crime Reporting (NIBRS) program, as below:
    - **Rape:**
      - The carnal knowledge of a person (i.e., penile-vaginal penetration), without the Consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity (it should be noted that either females or males could be Complainants under this definition);
      - Oral or anal sexual intercourse (i.e., penile penetration) with another person, without the consent of that person, including instances where the

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<sup>14</sup> For purposes of this definition of Sex and/or Gender-Based Stalking only, the definition of "Reasonable Person" is a Reasonable Person under similar circumstances and with similar identities to the Complainant.

- person is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity;
- To use an object or instrument (e.g., an inanimate object or body part other than a penis) to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of that person, including instances where the person is incapable of giving Consent because of their age or because of their 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 that person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity (for purposes of this definition, “private body parts” includes breasts, buttocks, or genitals, whether clothed or unclothed);
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
  - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of Consent.
- 8) **Retaliation:** Any adverse action, directly or through others, taken against a person for engaging in Protected Activity. Retaliation may include intimidation, threats, coercion, or discrimination including adverse employment or educational actions that would discourage a Reasonable Person from engaging in activity protected under this Policy. Any individual or group of individuals, not just a Complainant or Respondent, can engage in Retaliation. A finding of Retaliation under this Policy is not dependent on a finding that the underlying Prohibited Conduct occurred.
- The exercise of rights protected under the First Amendment does not constitute Retaliation. Pursuit of civil, criminal, or other legal action, internal or external to the College does not constitute Retaliation.
  - Initiating disciplinary proceedings against an individual for making a materially false statement in bad faith in the course of a proceeding under the Policy does not constitute Retaliation under this Policy; however, a determination regarding responsibility, alone, is insufficient to conclude that any party made a materially false statement in bad faith.

## Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the grievance process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities. The burden is on the Parties to make any such request.

## **Privacy vs. Confidentiality**

Consistent with the College's Code of Conduct, references made to *confidentiality* refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or College officials without permission of the Complainant, except for extreme circumstances, such as a health and/or safety emergency or child abuse.

References made to *privacy* mean offices at Ursinus and those employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. Ursinus will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

## **Resources**

### **Confidential Resources**

The following are Confidential Resources that are not required to, and will not, share information with law enforcement or College officers without permission, except for in very limited circumstances (e.g. health/safety emergencies; alleged/suspected child abuse).

#### **On Campus:**

- Wellness Center Professional Counselors and Medical Providers: Wellness Center; 610-409-3100
- Chaplain Betty Wright-Riggins: [bwrightriggins@ursinus.edu](mailto:bwrightriggins@ursinus.edu)

#### **Off Campus:**

- Victims Services Center of Montgomery County:  
888-521-0983  
[www.victimservicescenter.org](http://www.victimservicescenter.org)
- The Crime Victims' Center of Chester County:  
610-692-7273  
[www.cvcofcc.org](http://www.cvcofcc.org)
- Delaware County Women Against Rape:  
610-566-4342  
[www.delcowar.org](http://www.delcowar.org)
- Network of Victim Assistance (Bucks County):  
1-800-675-6900  
[www.novabucks.org](http://www.novabucks.org)
- Berks Women in Crisis (Berks County):  
610-372-9540  
[www.berkswomenincrisis.org](http://www.berkswomenincrisis.org)

- WOAR (Philadelphia):  
215-985-3333  
[www.woar.org](http://www.woar.org)

## **Medical Attention**

Students can contact Wellness at [wellness@ursinus.edu](mailto:wellness@ursinus.edu) for a medical appointment to discuss options for emergency contraception, pregnancy testing, and STI testing.

To receive a rape kit to collect forensic evidence, students are encouraged to visit one of the following hospitals that the Victim Advocates from Victim Services Center of Montgomery County works with - this includes [Einstein \(Montgomery\)](#), [Lankenau](#), [Bryn Mawr](#), or [Pottstown](#) Hospitals.

Campus Safety can assist with providing transportation to a hospital if needed. If students are thinking about going to the hospital but have questions, please call the Victim Services Center hotline at 1-888-521-0983 for more information.

## **Reporting Prohibited Conduct**

The College encourages all members of the College community to make a report of suspected Prohibited Misconduct directly to the Title IX Coordinator through any of the reporting methods outlined below. Reports can also be made to Officials with Authority, but the College strongly encourages direct reports to the Title IX Coordinator so that the Title IX Coordinator can promptly discuss the availability of Supportive Measures and available resolution processes with the Complainant, including by contacting the Complainant when another person makes a report.

Recognizing that some forms of Prohibited Conduct may also constitute crimes, the College also strongly encourages any individual who experiences, witnesses, or learns of possible criminal conduct to report to Ursinus College Campus Safety or local law enforcement. Prompt reporting allows law enforcement to collect and preserve evidence. Victims of crime also have certain rights under Pennsylvania Crime Victims' Bill of Rights.

## **Reporting to the College**

Any individual may report Prohibited Conduct. It is not necessary for a reporting party or Complainant to determine in advance whether the behavior at issue meets the definition of Prohibited Conduct. Upon receipt of a report, the Title IX Coordinator will undertake an assessment to determine the form of Prohibited Conduct at issue.<sup>15</sup>

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<sup>15</sup> All references in the Policy to obligations of or steps to be taken by the Title IX Coordinator should be understood to also include any individual acting as a designee of the Title IX Coordinator.

When the Title IX Coordinator receives a report of Prohibited Conduct, the Title IX Coordinator will in all cases where the Complainant is identified, contact the Complainant to: (1) discuss the availability of Supportive Measures; (2) ask about the Complainant's wishes with respect to Supportive Measures; (3) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and (4) explain to the Complainant the process for filing a Formal Complaint. (See [Section IX](#) for more information on Supportive Measures). If appropriate, the Title IX Coordinator will also contact a known Respondent at this time.

The process for filing a Formal Complaint is described in greater detail in [Section XI](#), but a Formal Complaint may be filed by a Complainant when a report is made or at another time thereafter, and may be filed with respect to conduct that constitutes Sexual and Gender-Based Misconduct or Title IX Misconduct. In some cases, as explained in further detail in [Section XI](#), the Title IX Coordinator may decide to sign a Formal Complaint even where the Complainant has not decided to do so.

Reports made to the Title IX Coordinator, an OWA, or through the Online Reporting Link can be accessed only by senior members of the Student Affairs Office and/or Human Resources, as appropriate.

Options for making a report to the College are as follows. These reporting options are not mutually exclusive.

### **Contact the Title IX Coordinator**

Reports of Prohibited Conduct, whether Sexual and Gender-Based Misconduct or Title IX Misconduct, should when at all possible be made to the Title IX Coordinator.<sup>16</sup>

Individuals may also contact the Title IX Coordinator to ask about this Policy or to otherwise inquire about the College's responses to Prohibited Conduct in its Programs and Activities.

The Title IX Coordinator can be contacted by telephone or in person by appointment during regular office hours, or by email 24 hours a day, 7 days a week. Online reporting is also available on a 24/7 basis as explained below.

Contact information for the Title IX Coordinator is as follows:

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<sup>16</sup> To make a report of Prohibited Conduct about the Title IX Coordinator, individuals should report to Dean of Students (Missy Bryant) at 610-409-3590 or the Director of Human Resources (Kelley Williams) at 610-409-3589.



**Dan Kelly**  
Title IX Office  
Student Affairs Suite, Wismer Center  
Ursinus College  
601 E Main St., Collegeville, PA 19426  
610-409-3590  
[dkelly@ursinus.edu](mailto:dkelly@ursinus.edu)

### **Make an Online or Anonymous Report**

Reports may be made to the Title IX Coordinator using the following link: [Online Reporting Link](#). Individuals reporting through the Online Reporting Link have the **option** of disclosing their identity or remaining anonymous. While anonymous reports are accepted and reviewed carefully, the College's ability to investigate and or address Prohibited Conduct that is reported anonymously may be limited, and in some cases must be limited as a matter of Title IX law.

Individuals who report Prohibited Conduct through the Online Reporting Link, and who disclose their identity, will receive a response acknowledging receipt as well as the opportunity to speak with the Title IX Coordinator.

### **Report to an Official With Authority (OWA)**

In addition to the Title IX Coordinator, the following College employees are Officials With Authority: Student Affairs Deans, Academic Deans, and Associate Deans, the Director of Residence Life, and the Director of Human Resources.

An Official with Authority has internal reporting obligations. Specifically, Officials with Authority are required to report to the Title IX Coordinator all information about Prohibited Conduct that they receive, regardless of how and when they learned of the information; e.g. whether the information was shared with them in the scope of their employment or in some other capacity.

Only a report to the Title IX Coordinator (either directly or from a Mandated Reporter) or an OWA triggers the College's obligation to respond to an allegation of Prohibited Conduct. In the case of a report of Prohibited Conduct to an OWA, the Title IX Coordinator will contact the Complainant.

### **Report to a Mandated Reporter**

Unless explicitly designated as a Confidential resource, all College officials, employees (including Resident Advisors and Peer Advocates) are Mandated Reporters under this Policy.

Mandated Reporters must report to the Title IX Coordinator as soon as possible, but in no case no more than 48 hours after observing or receiving information about Prohibited Conduct. The report must include all relevant known details about alleged/possible Prohibited Conduct including the names of the Complainant, Respondent, and any witnesses, and the date, time, and location of the alleged incident, to the extent such details are known by the Mandated Reporter. Failure by a Mandated Reporter to promptly share (within 48 hours) with the Title IX Coordinator all details

they receive about Prohibited Conduct may subject them to appropriate discipline, up to and including termination of employment, in accordance with an applicable process.

Mandated Reporters are not required to report information about Prohibited Conduct disclosed at sexual misconduct public awareness events (e.g., Take Back the Night, candlelight vigils, protests, or survivor speak-outs in which participants may disclose incidents of Prohibited Conduct).

Reminder: only a report to the Title IX Coordinator (directly or through a Mandated Reporter) or an OWA will trigger the College's obligation to respond to an allegation of Prohibited Conduct, including by contacting the Complainant to discuss Supportive Measures; please consider making a report directly to the Title IX Coordinator to ensure a prompt response.

### **External Reporting Options**

Reports of Prohibited Conduct that might also constitute a crime may be made to the Collegeville Police Department: 610-489-9332. Or dial 911 in the case of an emergency.

A person may also file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by emailing [OCR.Philadelphia@ed.gov](mailto:OCR.Philadelphia@ed.gov) or visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or calling 1-800-421-3481.

A person may also file a complaint with the Pennsylvania Human Relations Commission by calling 717-787-9780 for the Harrisburg Regional Office; 412-565- 5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office or visiting <https://www.phrc.pa.gov/Pages/default.aspx>.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>.

### **Related Considerations about Reporting**

#### **No Time Limit for Reporting**

Reporters are encouraged to report Prohibited Conduct as soon as possible in order to maximize the College's ability to respond promptly and effectively. The College does not, however, limit the timeframe for reporting. If the Respondent is no longer a student or employee, the College may not be able to take action against the Respondent, but it will still endeavor to take steps to end the Prohibited Conduct, prevent its recurrence, and address its effects, and it will also provide Supportive Measures to a Complainant to the best of its ability. The College is unlikely to be able to pursue disciplinary action against an individual who is no longer affiliated with the institution. Under those circumstances, when appropriate and permitted by applicable law and regulations, the College will still conduct an investigation.

### **Limited Amnesty for Students who Report Prohibited Conduct**

The College seeks to remove any barriers to reporting. The College recognizes, however, that a student who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. A student who reports conduct in violation of this Policy will not be subject to disciplinary action by the College related to the personal ingestion of alcohol or other drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The College may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

### **False Reporting**

No person shall make an allegation that they know to be untrue or knowingly provide false information during the course of an investigation or hearing. Making a false report or giving false information is a violation of this Policy and may be a basis for discipline, including expulsion or termination.

### **Supportive Measures**

When the Title IX Coordinator receives a Report of possible Prohibited Conduct—regardless of whether that Report is made by the Complainant, a witness, or other party, or is provided to the Title IX Coordinator by a Mandated Reporter or an Official With Authority—they will contact the Complainant to (1) discuss the availability of Supportive Measures and (2) explain that Supportive Measures are available with or without filing a Formal Complaint. The Title IX Coordinator also may contact a known Respondent, as appropriate.

Supportive Measures are individualized services, accommodations, and other assistance that the College offers and may put in place, without fee or charge. Supportive Measures are designed to restore or preserve equal access to the College's Programs and Activities, protect the safety of all parties and the College's educational environment, and/or deter Prohibited Conduct, without being punitive or disciplinary in nature or unreasonably burdening the other party.

Supportive Measures are available regardless of whether the matter is reported to the College for the purpose of initiating a proceeding under this Policy and before, after, and regardless of whether a Formal Complaint is filed. A Complainant who requests Supportive Measures has the right to file a Formal Complaint, either at the time the Supportive Measure is requested or at a later date. Any Complainant who requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Formal Complaint under this Policy.

Supportive Measures may also be requested by and made available to Respondents, witnesses, and other affected members of the College community.

To determine the appropriate Supportive Measure(s) to be implemented, the Title IX Coordinator, working in conjunction with other College administrators/officials as necessary, conducts an individualized assessment based on the facts and circumstances of a situation. Supportive Measures will not be disciplinary or punitive in nature, will be provided without fee or charge, and will not unreasonably burden, or unreasonably interfere with, the College Program or Activity pursuits of the other party. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination that takes into account the nature of the programs, activities, opportunities, and benefits in which an individual is participating.

Examples of Supportive Measures include:

- Assistance from College support staff in completing a room or office relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Assistance with or rescheduling an academic assignment (paper, exams, etc.) or otherwise implementing academic assistance;
- Changes to work schedules;
- Changes to reporting structure (for employees);
- Taking an incomplete in a class;
- Assistance with transferring class sections;
- Temporary withdrawal;
- Restrictions on contact between parties (“no contact” orders)
- Assistance with alternative course completion options;
- Escorts to and from campus locations;
- On or off-campus counseling assistance;
- Other accommodations for safety as necessary; and
- Any combination of these measures.

The College will maintain the confidentiality of Supportive Measures provided to the Complainant or Respondent to the extent that doing so would not impair the College’s ability to provide the Supportive Measures.

## **Emergency Removal and Administrative Leave**

### **Emergency Removal of a Student Respondent**

Ursinus retains the authority to remove a Respondent from the College's Program or Activity on an emergency basis, where the College: (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student (including the Respondent him/herself) or other individual arising from the allegations of covered sexual harassment justifies a removal.

Prior to removing a student Respondent on an emergency basis, the College will form a committee in order to make a specific safety and risk determination that the Respondent poses an immediate threat to the physical safety and or health of a student or students. This committee will include, at a minimum, the Title IX Coordinator, a representative from Campus Safety, a representative from Student Affairs, and a representative from Residence Life, and may include others.

If Ursinus determines such removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.

### **Administrative Leave of an Employee Respondent**

Consistent with the Employee Handbook and Student Code of Conduct, the College may place an employee Respondent on administrative leave during the pendency of the grievance process as outlined below. An employee alleged to have committed Prohibited Conduct will not be placed on administrative leave unless and until a Formal Complaint has been filed with the College.

### **Formal Complaints**

Before the College's grievance process can begin, a Formal Complaint must be filed by a Complainant or signed by the Title IX Coordinator as explained below.

A Formal Complaint must be submitted by the Complainant to the Title IX Coordinator in person, by mail, or by email. The Formal Complaint must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.

When a Formal Complaint is filed, the Title IX Coordinator will evaluate it for a number of things, including whether the complained-of conduct occurred in the United States and whether the Complainant, at the moment of submission of the Formal Complaint, is participating in a College Program or Activity or attempting to participate in a College Program or Activity (e.g. a job applicant, an applicant for admission to an academic program, a recent graduate who is applying to a different academic program at the College, etc.).

The Title IX Coordinator also has discretion to sign a Formal Complaint even if the Complainant chooses not to, and even if the Complainant chooses not to participate in a College resolution

process at all. In general, the Title IX Coordinator will seek to respect the Complainant’s wishes not to file a Formal Complaint; however, when the Respondent is an employee, when a significant safety concern is presented, or when the Title IX Coordinator concludes that failure to pursue a Formal Complaint may fail to meet the College’s duties under the law, the Title IX Coordinator will usually sign a Formal Complaint.”

After a Formal Complaint has been filed by the Complainant or signed by the Title IX Coordinator, the College will commence the grievance process outlined below.

Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party to the grievance process (formal or informal resolution).

## **Grievance Process for Addressing Reports and Formal Complaints under this Policy**

The College uses the following Procedures to address allegations of Prohibited Conduct and to impose sanctions, as appropriate, for violations of the Policy.

At all times, it is within the College’s discretion to determine which policies and procedures apply and under which policy or policies action may be taken. Some Prohibited Conduct may result in separate and additional proceedings under multiple College policies.

### **Coordination**

The Title IX Coordinator has primary responsibility for coordinating efforts for investigation, resolution, implementation of sanctions, and monitoring the educational environment and workplace related to violations of this Policy. The Title IX Coordinator may coordinate with other College administrators to investigate certain Formal Complaints and to implement and monitor sanctions.

### **Initial Assessment & Intake of Reports and Formal Complaints**

**Initial Assessment:** When alleged Prohibited Conduct is first reported to the Title IX Coordinator, the Title IX Coordinator will:

- 1) Assess the nature and circumstances of the Report—including whether the names and/or other personally identifying information for the Complainant, Respondent, any witnesses, and/or any other individual with knowledge was provided—to facilitate appropriate follow-up; and
- 2) Assess the nature of the allegations to identify the grievance process or resolution options that might be available.

Where the Title IX Coordinator determines that this Policy does not apply, such as when the Report does not describe possible Prohibited Conduct, the Title IX Coordinator may refer the Report to

another College office or process for resolution, including referral to Student Affairs and/or Human Resources, as appropriate, for review under other potentially applicable College policies and procedures, including, for example the College's [Student Code of Conduct](#) and [Human Resources policies](#).

**Intake:** After receiving a Report of possible Prohibited Conduct, the Title IX Coordinator will promptly contact the Complainant, if one is identified or identifiable, to (1) discuss the availability of Supportive Measures; (2) ask about the Complainant's wishes with respect to Supportive Measures; (3) explain that Supportive Measures are available with or without the filing of a Formal Complaint; and (4) explain how to file a Formal Complaint.

The Title IX Coordinator will also provide the Complainant with a written explanation of available resources, options, and other important Policy information, including the following:

- 3) Support and assistance available through College and community resources, including the Complainant's option to seek Supportive Measures regardless of whether they choose to participate in a College or law enforcement investigation;
- 4) The Complainant's option to seek medical treatment and information on preserving potentially key forensic evidence and/or other potential evidence;
- 5) The process for filing a Formal Complaint;
- 6) The College's procedural and grievance options, including formal investigative resolution and informal resolution, if available;
- 7) The Complainant's right to an advisor of the Complainant's choosing who may be, but is not required to be, an attorney;
- 8) The College's prohibition of Retaliation against the Complainant, the Respondent, the witnesses, and the reporting parties; how to report acts of Retaliation; and confirmation that the College will take prompt action when Retaliation is reported;
- 9) The opportunity to discuss with the Title IX Coordinator or designee the Complainant's resources, rights, and options;
- 10) A copy of or a link to this Policy; and
- 11) An explanation that parties and witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

**If a Formal Complaint is filed**, the Title IX Coordinator will provide the Respondent with Notice of Allegations that will include a written explanation of available resources, options, and other Policy information. The Notice of Allegations will include:

- 1) Notice of the allegations potentially constituting Prohibited Conduct, including the identities of the parties (if known), the date and location of the alleged incident (if known), and potential Policy violations;
- 2) Notice that a determination regarding responsibility is made at the conclusion of the proceeding and the Respondent is presumed not responsible for the alleged Prohibited Conduct prior to the determination;

- 3) Support and assistance available through the College and community resources (as described above);
- 4) The Respondent's right to an advisor of the Respondent's choosing who may be, but is not required to be, an attorney;
- 5) The College's prohibition of Retaliation against the Complainant, the Respondent, the witnesses, and the reporting parties, how to report acts of Retaliation, and that the College will take prompt action when Retaliation is reported;
- 6) The opportunity to discuss with the Title IX Coordinator the Respondent's resources, rights, and options.
- 7) A copy of or link to this Policy; and
- 8) An explanation that parties and witnesses are prohibited from knowingly making false statements or knowingly submitting false information during the grievance process.

The Complainant will also receive a copy of the Notice of Allegations.

The Title IX Coordinator will send the Notice of Allegations to the parties as soon as practicable, and usually within 10 business days<sup>17</sup> of receipt of the Formal Complaint. The Notice will be sent to a party's institutional email account if they are a student or employee, and by other reasonable means if they are neither.

If, in the course of an investigation, the College becomes aware of and decides to investigate allegations that were not included in Notice, the College will notify the parties of the additional allegations in an amended Notice.

### **Resolution Options Following an Initial Assessment**

Upon completion of an initial assessment of a matter, the Title IX Coordinator will undertake one of the following actions, with the understanding that as a matter progresses, the action warranted can change, as described in these Procedures.

### **Matters Involving a Formal Complaint**

If a Formal Complaint alleging behavior that could constitute Prohibited Conduct is filed, the Title IX Coordinator will initiate the grievance process, which includes both the formal resolution and informal resolution options, as described at a high level here:

- 1) **Formal Resolution Process:** This process generally results in a written investigative report containing a summary of the relevant evidence, a hearing that results in a finding and, if appropriate, sanctions and remedies, and an appeal process. The College will strive to complete the formal resolution process expeditiously, but at a minimum within 180 days of the filing of the Formal Complaint. The parties will be provided with updates on the progress of the formal resolution process, as needed, and will be alerted, in writing, if the process will go beyond that timeframe.

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<sup>17</sup> The phrase "business days" refers to those days when the College is open.



- 2) **Informal Resolution:** Informal resolution includes a spectrum of facilitated, structured, and adaptable processes that seek to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the College community. Informal resolution does not include an investigation, hearing, or formal disciplinary action against a Respondent. However, remedies may include any appropriate and reasonable educational, restorative, and accountability-focused measures as agreed to by the parties and approved by the Title IX Coordinator. The College will strive to complete the informal resolution process within 90 days of when it is commenced. Informal resolution may only be commenced for those matters where a Formal Complaint has been filed.

Though distinct from Supportive Measures under the Policy, an individual engaged in either resolution option under these Procedures may also request reasonable accommodations related to a disability at any phase in the applicable resolution process through the College's normal [disability accommodation process](#).

#### Matters Involving Third Parties or Non-Participating Complainants

There are some matters in which a Formal Complaint involves a Respondent unaffiliated with the College, or the Complainant does not wish to file a Formal Complaint after a report is made. These matters will be addressed as outlined below.

- 1) **Formal Complaints Against Unaffiliated Third Parties:** Generally, if a Formal Complaint is made against someone who has no affiliation with the College, the College's ability to take direct action against such a person may be limited. The College will, however, still take steps to inform the Complainant of support and assistance available through College resources and resources available from entities outside of the College (including law enforcement).
- 2) **Complainant Request for No Investigation or to Not Participate in an Investigation:** In some instances, the Complainant may not wish to file a Formal Complaint or participate in any process (Complainants are encouraged, but not required, to participate in this process). The College will consider the Complainant's wishes, though the College retains the discretion to determine whether to proceed without the Complainant's participation. The College generally will proceed when the Respondent is an Employee.

In all cases, including those in which the Title IX Coordinator decides to sign a Formal Complaint, the Title IX Coordinator shall remain impartial and is not a Complainant or otherwise a party to the matter.

In cases where the College investigates without a participating Complainant, the Title IX Coordinator will notify the Complainant that the College intends to initiate the grievance process, and that the Complainant is encouraged, but not required, to participate.

Generally, a decision not to participate as a Complainant means that the Complainant waives the rights generally afforded to a participating Complainant when Sexual and Gender-Based Misconduct, but not Title IX Misconduct, is at issue. However, under limited circumstances, the

College may provide some or all of the rights of a Complainant as defined in the Policy, as deemed appropriate by the Title IX Coordinator, or as otherwise required by law.

Where Title IX Misconduct is at issue, a Complainant who is not participating will be treated like a party to the process; this means that the Complainant is entitled to the same rights afforded to them under the Policy as if they were participating (e.g. a right to a copy of evidence).

If a Complainant declines to participate in an investigation, the College's ability to fully investigate and respond to a report of Prohibited Conduct may be limited. Even so, the College may pursue other steps to limit the effects of the Prohibited Conduct and prevent its recurrence.

### **Ongoing Assessment & Dismissals**

Throughout the handling of a report or Formal Complaint of Prohibited Conduct, the Title IX Coordinator will continue to assess the most appropriate procedures for addressing the allegations.

### **Consolidation or Severance of Proceedings**

The Title IX Coordinator has the discretion to consolidate or sever claims of Title IX Misconduct and Sexual and Gender-Based Misconduct. Specifically, the Title IX Coordinator may consolidate multiple Formal Complaints of Title IX Misconduct and Sexual and Gender-Based Misconduct into a single investigation if where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

Consolidation might involve a single or multiple Complainants, a single or multiple Respondents, and/or when the conduct is temporally or logically connected. If investigations involving multiple Complainants and/or multiple Respondents are consolidated, each party will have access to all of the information that is directly related to the allegations; including information as provided by all involved Complainants, all involved Respondents, and all involved witnesses.

The Title IX Coordinator also has the discretion to sever multiple Formal Complaints of Title IX Misconduct and Sexual and Gender-Based Misconduct into separate investigations, hearings, or appeals. In every circumstance, however, grievance proceedings shall proceed consistent with the Title IX Regulations.

If the misconduct alleged in a Formal Complaint includes Prohibited Conduct under this Policy and conduct that would constitute a violation of another College policy/Code of Conduct, the grievance process provided in this Policy may, in the College's, discretion be applied to the investigation and adjudication of all of the allegations.

### **Concurrent Legal Proceedings**

At the request of law enforcement, and subject to the provisions in these Procedures pertaining to notifying the Respondent of a Formal Complaint, the College may agree to temporarily defer proceeding with part or all of its processes until after some or all of the law enforcement

investigation is complete (e.g., deferring until the initial law enforcement evidence gathering phase is complete).

### **Required Dismissal of Allegations of Title IX Misconduct**

If at any time before or during the grievance process involving an allegation of Title IX Misconduct the Title IX Coordinator determines that:

- The conduct alleged in the Formal Complaint would not constitute Title IX Misconduct if proved;
- The conduct alleged in the Formal Complaint did not occur in a College Program or Activity or to a Complainant who was participating or endeavoring to participate in such a Program or Activity; or
- The conduct alleged in the Formal Complaint did not occur against a person in the United States,

the parties will be notified in writing that the allegations of Title IX Misconduct are being dismissed, with an explanation of the reason for dismissal.

In the case of such a dismissal, The Title IX Coordinator will determine whether the alleged conduct would still, as alleged, constitute Sexual or Gender-Based Misconduct and, if so, the College will proceed to address the Formal Complaint regarding that other Sexual or Gender-Based Misconduct under this grievance process. Where the Title IX Coordinator determines that the alleged conduct, as alleged, would not constitute other Sexual or Gender-Based Misconduct, but might constitute a violation of other College policies or procedures, the Title IX Coordinator may refer the report to another College office or process for resolution, including referral to Student Affairs and/or Human Resources, as appropriate, for review under other potentially applicable College policies and procedures, including, for example the College's [Student Code of Conduct](#) and [Human Resources policies](#).

If allegations of Title IX Misconduct are dismissed for one of the above reasons, the parties may appeal that dismissal using the process described below.

### **Other Dismissal and Closure**

In addition to the reasons stated above for the mandatory dismissal of allegations of Title IX Misconduct, the Title IX Coordinator may dismiss a Formal Complaint of Sexual or Gender-Based Misconduct and/or Title IX Misconduct, if at any time during the investigation or hearing:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw their Formal Complaint, or any allegations therein;
- The Respondent is no longer enrolled as a student or employed by the College; or

- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If Title IX Misconduct is dismissed pursuant to this provision, the parties may appeal that dismissal using the process described below.

**Appeal of Dismissal of Title IX Misconduct.** If allegations of Title IX Misconduct are dismissed for a reason set forth above (whether mandatory or discretionary), either party may appeal that dismissal on the following bases only:

- Procedural irregularity that materially affected the dismissal determination;
- New evidence that was not reasonably available at the time the determination regarding dismissal was made, that could materially affect the determination; and/or
- The Title IX Coordinator or designee making the dismissal decision had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that materially affected the dismissal decision.

An appeal of the dismissal of a Formal Complaint must be filed no later than 5 business days after the date on which the College transmitted the written determination of dismissal to the parties. The appeal shall consist of a plain, concise, and complete written statement of no more than 3,000 words, outlining the basis for appeal and all relevant information to substantiate the appeal.

The College will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The other party may then have a period of 5 business days from the date of notice to submit a statement in support of the written determination and/or in opposition to the appeal. This statement will be limited to 3,000 words. Any such statement will be shared with the party who filed the appeal and their advisor.

The appeal review will be conducted by the Vice President for College & Community Engagement (or designee), the Director of Human Resources (or other designee), or other appeal decision-maker (see [Section XIII.G](#)). The parties may object to the appellate decision-maker's service by providing a written statement within their appeal or response to the appeal as to why the party believes that the appellate decision-maker has a conflict of interest or bias. The Title IX Coordinator or designee will make decisions regarding such objections and the appointment of an alternate appellate decision-maker, as necessary.

The appellate decision-maker will review the matter based on the issues identified in the appeal(s) materials. The appellate decision-maker may consult with or request additional information from the Title IX Coordinator and other College administrators or agents as necessary.

The appellate decision-maker will strive to complete the appeal review within 10 business days of receipt of all documents. The appellate decision-maker will issue a written decision describing the result of the appeal and the rationale for the result, and the Title IX Coordinator will provide the written decision simultaneously to both parties.

### **Acceptance of Responsibility.**

The Respondent may, at any time during the grievance process, elect to accept responsibility for the Prohibited Conduct. In such circumstances, and with the written consent of both the Respondent and Complainant, the matter will be removed from the formal grievance process and will be finalized instead as a form of informal resolution. The investigator(s) will issue a brief investigation report and/or the Hearing Officer will issue a brief outcome notice summarizing the allegations and stating that the Respondent has accepted responsibility. The matter will then be referred to the appropriate College official to determine sanctions.

If the parties both do not consent to this informal resolution process, the formal resolution process will continue.

### **Timelines**

The Title IX Coordinator has authority to extend the timelines/timeframes identified in this Policy for good cause. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; travel and unavailability; a pandemic or other emergency; or the need for language assistance or accommodation of disability. In the case of such an extension, the Title IX Coordinator will notify the affected parties of the extension, including the reason(s) for the extension.

### **Core Principles for Resolution**

The following core principles apply to all procedural options under the Policy.

**Impartiality.** As applicable, the Title IX Coordinator, investigator, Hearing Officer, facilitator of informal resolution, and the appellate decision-maker each must be impartial and free of any actual conflict of interest or bias.

A Complainant or a Respondent who has concerns that the Title IX Coordinator, investigator, Hearing Officer, facilitator of informal resolution, and the appellate decision-maker cannot conduct a fair and unbiased review (e.g., has a personal connection with one of the parties or witnesses, etc.) may report those concerns to the Title IX Coordinator.<sup>18</sup> The Title IX Coordinator will assess the circumstances and determine whether a different investigator, Hearing Officer, facilitator of informal resolution, or appellate decision-maker should be assigned

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<sup>18</sup> To the extent a party would like to raise a concern about the Title IX Coordinator themselves, this report may be made to the Deputy Title IX Coordinator instead, who will perform the same assessment.

to the matter. Allegations of bias must be made in good faith and may not be made with the intent of delaying or derailing the proceedings.

**Presumption of Good Faith Reporting.** The College presumes that reports of Prohibited Conduct are made in good faith. As a reminder, making a false report or giving false information is a violation of this Policy and may be a basis for discipline.

**Presumption of Non-Violation and Standard of Proof – Preponderance of the Evidence.** The Respondent is presumed not to have violated the Policy unless it is determined through applicable procedures that a preponderance of the evidence supports a finding of a Policy violation.

**Expectations of Complainant, Respondent, and Witnesses.** The Complainant, the Respondent, the Witnesses, and others sharing information with the investigator are expected to provide all relevant information at the time of their interview, or as soon as otherwise possible, and to be truthful and complete in their responses throughout the process. A party or Witness who participates in the process is expected to participate in a live interview if requested. Similarly, a person who elects to participate is expected to participate in all aspects of the process (e.g., a witness who participates in a live interview is expected to make themselves available for a hearing if requested to do so).

**Advisors.** Throughout the process, a Complainant or a Respondent may have an advisor of their choice. An advisor is an individual chosen by a party to provide support and guidance to them during the investigation process. An advisor may, but is not required to be, be an attorney. The choice of an advisor is up to the party (except when the College must appoint an advisor for purposes of a hearing, see below) and the College is not responsible for ensuring the skill, qualification, or competence of any advisor.

A party may request to consult with their advisor at any point. However, the advisor may not represent or otherwise speak for the party they are supporting, except when a hearing occurs as part of the formal resolution process. In such hearings, the advisor may ask the other party and witnesses relevant questions. The party may never directly ask questions of any other witness; questions, if any, must always be posed by the party's advisor. If a party does not have an advisor available at the hearing, the College will provide for an advisor to ask questions on behalf of that party, as described in the formal resolution process in [Section XIII](#) of this Policy.

Investigators, decision-makers, and the Title IX Coordinator have the right at all times to determine what constitutes acceptable behavior on the part of an advisor and to take appropriate steps to ensure compliance with the Policy.

**Prior Sexual Conduct of the Complainant.** Questions and evidence about the Complainant's prior sexual behavior are not relevant, unless 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. For example, if the question being determined is whether consent was given through mutually understandable words or actions, information about the manner in which Consent has previously been communicated between the parties may be relevant in determining whether Consent was sought and given during the incident in question. The decision-maker (e.g., the Hearing Officer or the investigator, as applicable) will determine the relevance of such information. Prior sexual contact between a Complainant and a Respondent is not relevant to prove character or reputation and will never be used for those purposes.

**Prior or Subsequent Conduct of the Respondent.** Prior or subsequent conduct of the Respondent is not relevant to prove character or reputation and will never be used for these purposes, but may be considered for other purposes, such as determining pattern, knowledge, intent, or the Respondent's reasons for taking the alleged action. For example, evidence of a pattern of Prohibited Conduct by the Respondent, either before or after the incident in question, may be deemed relevant to the determination of whether the Respondent violated the Policy or engaged in inappropriate behavior. A finding in a previous investigation that the Respondent violated the Policy by engaging in similar conduct may be relevant evidence of a pattern of behavior. Likewise, evidence in a previous investigation that the Respondent engaged in similar behavior, but the behavior was not at that time determined to be at a sufficient level to constitute a Policy violation, may be relevant to assessing severity, persistence and/or pervasiveness, as applicable, or relevant evidence of a pattern, in a subsequent investigation.

The relevance of pattern evidence will generally be determined based on an assessment of whether the previous or subsequent conduct was similar to the conduct under investigation or indicates a pattern of Prohibited Conduct. The decision-maker (e.g., the Hearing Officer or the investigator, as applicable) will determine the relevance of such information.

## **The Formal Resolution Process**

In the Formal Resolution Process, after an investigation, a live hearing occurs in which the parties' advisors have the opportunity to ask questions of the other party and the witnesses. A written determination regarding responsibility will be reached, which may be appealed.

## **The Investigation**

An investigation affords both the Complainant and the Respondent an opportunity to submit information and other evidence and to identify witnesses. To be clear, although the parties have the option to submit evidence and suggest witnesses to be interviewed, the burden of gathering information in the investigation ultimately lies with the College. There is a presumption in every investigation that the Respondent is not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the grievance process.

When the formal resolution process is initiated, the Title IX Coordinator will designate an external or internal investigator(s) who will be responsible for gathering evidence directly related to the allegations raised in a Formal Complaint. The investigator must be impartial, free of any actual conflict of interest, and have specific and relevant training and experience. Specifically, the investigator will be trained on (1) issues of relevance; (2) the definitions in the Policy; (3) the scope of the College's Education Program or Activity; (4) how to conduct an investigation; and (4) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

### **Investigation Timeframe**

The investigation of a Formal Complaint will be usually concluded within 60 to 90 days of the filing of the Formal Complaint. The parties will be provided with updates on the progress of the investigation, as needed, and will be alerted, in writing, if the process will go beyond that timeframe.

Additional time beyond 60 to 90 days may be necessary to ensure the integrity and completeness of the investigation to: (1) comply with a request by law enforcement for a temporary delay to gather evidence; (2) accommodate the availability of parties and/or witnesses; (3) address the need for language assistance or accommodation of disabilities; (4) account for College breaks or vacations; (5) account for case complexities including the number of witnesses and volume of information provided by the parties; or (6) for other legitimate reasons.

### **Interviews and Gathering Evidence**

**Interviews.** The investigator will interview the Complainant and Respondent in order to review the disciplinary process and to hear an overview of each party's account of the allegations. Each party may have an advisor present. Before any interview, the individual being interviewed will be informed in writing of the date, time, location, participants, and purpose of the interview. Such notice will be provided with sufficient time for the individual to prepare for the interview. The Respondent will be informed in writing if, during the investigation, additional information is disclosed that may constitute additional Prohibited Conduct under the Policy.

Following the interview, each party will be provided with a draft summary of their statement so that they have the opportunity to comment on the summary and ensure its accuracy and completeness. The parties' feedback may be attached or otherwise incorporated into the final investigative report to the extent deemed relevant by the investigator.

**Evidence.** During the interview, and as the investigator is gathering evidence, each party will be given the opportunity to identify witnesses and to provide other information, such as documents, communications, photographs, and other evidence. Although the College has the burden of gathering evidence sufficient to reach a determination regarding responsibility, all parties are expected to share any relevant information and/or any information that is requested by the



investigator. Such information shared by the parties with the investigator may include both inculpatory and exculpatory evidence.

The investigator will review all information identified or provided by the parties, as well as any other evidence they obtain. Evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint will be shared with the parties for their review and comment, as described below.

### **Opportunity to Inspect and Review Evidence**

After all the evidence is gathered and the investigator has completed witness interviews, the investigator will provide the parties, and their advisors, if any, with copies of all evidence directly related to the allegations of the Formal Complaint that was gathered during the investigation. This must include all directly related evidence, even evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and must include directly related inculpatory and exculpatory evidence whether obtained from a party another source.

The evidence may be provided in either an electronic format or a hard copy. Before providing the evidence to the parties, the investigator may redact information in the evidence that is not directly related to the allegations of the Formal Complaint; information prohibited from disclosure pursuant to a recognized legal privilege; and/or a party's medical or mental health information/records unless the party consents in writing to the disclosure of that information.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process. The parties and their advisors may not photograph or otherwise copy the evidence.

The parties will have ten (10) days to review the evidence and to submit a written response. The parties' written responses must include any comments, feedback, additional documents, evidence, requests for additional investigation, names of additional witnesses, or any other information they deem relevant to the investigation. Any party providing new evidence in their written response should identify whether that evidence was previously available to them, and if so, why it was not previously provided. The parties' feedback will be attached to the final investigation report so that the other party may review it before any hearing.

The investigator will review the feedback, collect additional evidence based on that feedback (as the investigator deems appropriate), and interview additional relevant witnesses (as the investigator deems appropriate). This additional activity may require extensions of the anticipated timelines for the investigation.

### **Final Investigative Report**

After the time has run for both parties to provide any written response to the evidence, and after the investigator completes any additional investigation, the investigator will prepare a final investigative report. The investigator may exclude and/or redact information or evidence from the final investigative report as follows:

- Information that is not relevant to the allegations raised in the Formal Complaint;
- Information about a Complainant's prior or subsequent sexual activity, unless such information falls into one of the exceptions described above; and
- Medical or mental health information, treatment and/or diagnosis, unless the treated party consents.

The final investigative report will be shared with the Complainant, Respondent, and their advisors. The parties will have ten (10) business days to respond in writing to the final investigative report. After the Title IX Coordinator receives the responses, copies will be simultaneously shared with the parties; no replies will be accepted. The responses will also be appended to the final investigative report.

The Complainant and Respondent must also submit in writing to the Title IX Coordinator, before the end of that ten (10) business-day review period, the names of any witnesses the Complainant/Respondent wishes to testify at the hearing and a summary of information each witness would provide through their testimony. Names of witnesses provided by the Complainant/Respondent will be shared with the other party.

After the ten-business-day deadline, the Complainant and Respondent may not provide any additional written information for the hearing, unless that information was not reasonably available prior to the closing of the ten-business-day window. The Hearing Officer determines whether to grant exceptions to this ten-business-day deadline.

Generally, only information that is provided to, or otherwise obtained by, the investigator during the course of the investigation will be considered in the determination of whether a Policy violation occurred. Any and all information for consideration by the Hearing Officer must be provided to the investigator prior to the final investigation report and will not be allowed to be introduced for the first time during the hearing unless it can be clearly demonstrated that such information was not reasonably available to the parties at the time of the investigation or that the evidence has significant relevance to a material fact at issue in the investigation. If, after the final investigation report is issued, a party provides or identifies evidence that they did not previously provide or identify despite that evidence being reasonably available to them during the investigation process, the Hearing Officer may, at their discretion, draw a negative inference from the party's delay in providing or identifying the evidence.

## **Hearing Procedure**

Following issuance of the final investigation report, a live hearing will be provided. If at any point the Title IX Misconduct allegations are dismissed, as provided for in [Section XI.E](#), the matter will continue to be addressed as appropriate if Sexual and Gender-Based Misconduct allegations remain.

### **The Hearing Officer**

Hearings will be facilitated by one or more Hearing Officer, at the College's discretion, who will make the decision as to whether or not the Respondent violated the Policy using a preponderance of the evidence standard. The Hearing Officer has broad authority to determine the process, timing, and conduct of a hearing. This includes the order of presentation, timing, and overall duration of the hearing, what information and questions are relevant to the determination of the matter, and what cross-examination questions will or will not be permitted. The Hearing Officer is responsible for maintaining an orderly, fair, and respectful hearing and has broad authority to respond to disruptive or harassing behaviors, including adjourning the hearing or excluding the offending person(s).

### **Notice**

The Hearing Officer will be informed of the identities of the parties so they can identify any conflict of interest or bias. The parties will be notified of the identity of the selected Hearing Officer in advance of the hearing; and parties may, within three (3) calendar days of such notice, object to the Hearing Officer by providing a written statement (which may be transmitted electronically) as to why the party believes that the Hearing Officer has a conflict of interest or bias. The Title IX Coordinator (or designee) will make decisions regarding such objections and the appointment of an alternate Hearing Officer, as appropriate. If a potential conflict of interest is discovered outside of the three days, the Title IX Coordinator (or designee) has discretion to appoint an alternate Hearing Officer.

### **Pre-Hearing Procedures and Ground Rules**

The Hearing Officer and/or the Title IX Coordinator may establish pre-hearing procedures relating to issues such as scheduling, hearing structure and process, and witness and advisor participation and identification. The Hearing Officer will communicate with the parties prior to the hearing with respect to these issues and establish reasonable, equitable deadlines for party participation/input.

The Hearing Officer also has wide discretion over matters of decorum at the hearing, including the authority to excuse from the hearing process participants who are unwilling to observe rules of decorum.

### **Participation of Advisors**

Both parties must be accompanied by an advisor to the hearing. If a party does not have an advisor for the hearing, the College will provide an advisor of the College's choice for that party.

Each party's advisor must conduct any cross-examination of the other party and any witnesses. Apart from conducting cross-examination, the parties' advisors do not have a speaking role at the hearing; an advisors' participation is limited to conferring with the party at intervals set by the Hearing Officer.

### **Participation of Parties and Witnesses**

As explained above, a party or witness who elects to participate in a College process is expected, although not compelled, to participate in all aspects of the process.

If a party or witness elects to not participate in the live Title IX Misconduct hearing or participates in the hearing but refuses to answer questions posed by the other party through their advisor, the Hearing Officer will not rely on any statement of the non-participating party or witness in reaching a determination regarding responsibility. The Hearing Officer will never draw any inferences based solely on a party's or witness's absence or refusal to answer questions.

“**Statements**” for purposes of the hearing means factual assertions made by a party or witness. Statements might include factual assertions made during an interview or conversation, written by the individual making the assertions (including those found in a Formal Complaint), and memorialized in the writing of another (e.g. in an investigative report, police report, or medical record). Where evidence involves intertwined statements of both parties (e.g. a text message exchange or an email thread) and one party refuses to participate in the hearing or submit to questioning about the evidence while the other does participate and answer questions, the statements of only the participating party may be relied on by the Hearing Officer.

If a party does not appear for the hearing, their advisor may still appear for the purpose of asking questions of the other party and witnesses. If a non-participating party's advisor also does not appear for the hearing, the College will appoint an advisor to participate in the hearing for the purpose of asking questions of the other party on behalf of the non-participating party.

Parties are reminded that, consistent with the prohibition on Retaliation, Intimidation, threats of violence, and other conduct intended to cause a party or witness to not appear for a hearing are expressly prohibited.

### **Witnesses**

The Hearing Officer may, at their discretion, exclude witnesses or witness testimony the Hearing Officer considers irrelevant or duplicative. The Hearing Officer will explain any decision to exclude a witness or testimony as not relevant.

### **Electronic Devices and Record the Hearing**

A Respondent, Complainant, advisor, and/or witness may not bring electronic devices that capture or facilitate communication (e.g., computer, cell phone, audio/video recorder, etc.) into a hearing room, unless authorized by the Hearing Officer.

The Title IX Coordinator will arrange (at the College's discretion) for there to be an audio recording, or audiovisual recording, or transcript (or combination) of the hearing, which will be made available to the parties for review and kept on file by the College for seven years.

### **Hearing Location and Use of Technology**

The hearing will be live, with all questioning conducted in real time. Upon request, the parties may be located in separate rooms (or at separate locations) with technology enabling the Hearing Officer and the parties to simultaneously see and hear the party or witness answering questions. A hearing may be conducted entirely virtually through the use of remote technology so long as the parties and Hearing Officer are able to hear and see one another in real time and any cross-examination can be conducted in real time.

### **Hearing Structure**

The Hearing Officer has general authority and wide discretion over the conduct of the hearing. Although the Hearing Officer has discretion to modify the hearing structure, the general course of procedure for a hearing is as follows:

- Introductions;
- The Hearing Officer establishes rules and expectations for the hearing;
- Brief opening statement from the Complainant;
- Brief opening statement from the Respondent;
- Questioning of the Complainant by the Hearing Officer;
- Cross-examination of the Complainant by the Respondent's advisor (the Hearing Officer may pause cross-examination at any time for the purpose of asking follow-up questions or to enforce the established rules of decorum, which are provided in Addendum A);
- Questioning of the Respondent by the Hearing Officer;
- Cross-examination of the Respondent by the Complainant's advisor (the Hearing Officer may pause cross-examination at any time for the purpose of asking follow-up questions or to enforce the established rules of decorum, which are provided in Addendum A);
- Hearing Officer questioning of other witnesses (if applicable);
- Cross-examination of other witnesses by the parties' advisors;
- Closing comments from the Complainant; and,

- Closing comments from the Respondent.

A Complainant or Respondent may not question each other or other witnesses directly; they must conduct the cross-examination through their advisors. Before a party or witness answers a cross-examination or other question, the Hearing Officer will first determine whether the question is relevant. The Hearing Officer may exclude irrelevant information and/or questions. The Hearing Officer will explain any decision to exclude a question or information as not relevant. That decision and the related explanation will be noted in the transcript of the hearing.

All evidence collected as part of the investigative process will be made available at the hearing to give each party an equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

### **Determination Regarding Responsibility**

Following the hearing, the Hearing Officer will consider all relevant evidence and make a determination, by a preponderance of the information/evidence, whether the Respondent has violated the Policy.

A preponderance of the evidence standard means that, based on the information acquired during the investigation and the hearing, it is more likely than not the Respondent engaged in the alleged conduct.

### **General Considerations for Evaluating Testimony and Evidence**

The Hearing Officer shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a Complainant, Respondent, or witness, nor shall the Hearing Officer base their judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. Still, credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

The Hearing Officer will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

Except where a party/witness does not submit to cross-examination, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Subject to the rule that only relevant information will be permitted at the hearing and considered by the Hearing Officer, expert witnesses will be allowed to testify and be cross-examined as required by the Title IX regulations. The Hearing Officer may afford lower weight to non-factual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case may be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross-examination and regardless of whether all parties present experts as witnesses.

Subject to the rule that only relevant information will be permitted at the hearing and considered by the Hearing Officer, character witnesses will be allowed to testify and be cross-examined on relevant topics as required by the Title IX regulations, the Hearing Officer may afford very low weight to any non-factual character testimony of any witness.

Where a party or witness' conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Officer may draw an adverse inference as to that party or witness's credibility.

### **Remedies and Sanctions**

In the event the Hearing Officer finds the Respondent responsible for a violation of the College's policies, appropriate remedies and sanctions will be determined by the Hearing Officer. Remedies are designed to restore or preserve the Complainant's equal access to the College's Education Program or Activity.

Upon a finding of responsibility, the Complainant will be provided with remedies designed to restore access to the College's Programs and Activities.

Sanctions for a finding of responsibility for student Respondents include, but are not limited to, warning, suspension, and expulsion. In determining (a) sanction(s), the Hearing Officer will consider any previous disciplinary violations, among other factors

Sanctions for findings of responsibility for employee Respondents include, but are not limited to, warning, suspension and dismissal from employment. In determining (a) sanction(s), the Hearing Officer will consider any previous disciplinary violations, among other factors\*The Hearing Officer may broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the Hearing Officer nor any appellate decision-maker will deviate from the range of recommended sanctions unless compelling justification exists to do so.

### **Written Notice Regarding Outcome and, if applicable, Sanctions/Remedies**

After a determination regarding responsibility and, if applicable, a determination regarding appropriate remedies and/or sanctions has been made, the Complainant and Respondent will receive a simultaneous written notification including the decision regarding responsibility and, as

applicable, any remedies and sanctions. The written notification of this determination, which will be prepared by the Hearing Officer, will include the following:

- Identification of the allegations potentially constituting Title IX Sexual Harassment or other Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the Formal Complaint with parties and witnesses, interviews, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, **and** whether remedies designed to restore or preserve equal access to the College's Program or Activity will be provided by the College to the Complainant; and
- The College's procedures and permissible bases for the Complainant and Respondent to appeal.

Absent extenuating circumstances, the written notification of outcome will be issued by the Hearing Officer as soon as practicable after the completion of the hearing, but no longer than twenty business days after the completion of the hearing.

The written notification of outcome becomes final five business days after it is sent to the Parties, unless an appeal is filed on or before that day.

## **Appeals**

A Respondent and Complainant both have the right to appeal the Hearing Officer's decision regarding responsibility.

A party wishing to appeal must file a written appeal statement with the Title IX Coordinator within five business days of the date the written decision is sent to the parties. Appeal statements are limited to 3,000 words. Appeal statements should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Appeals should use footnotes, not endnotes. Appeal statements that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal statement not to meet these standards.

The written appeal statement must identify the ground(s) upon which the appeal is being made. The only grounds for appeal are:

- New evidence not reasonably available at the time of the decision/hearing that could affect the outcome of the matter;



- The Title IX Coordinator, investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent specifically that affected the outcome of the matter; and/or
- Procedural irregularity that affected the outcome of the matter.

An appeal is not a re-hearing of the case. The College may summarily deny an appeal if it is not based on one of the enumerated grounds for appeal.

**Appellate decision-maker.** If the College does not summarily deny the appeal, the College will appoint an appellate decision-maker. Generally, the Vice President for College & Community Engagement (or designee) or the Director of Human Resources (or designee) will serve in the role of the appellate decision-maker. The appellate decision-maker's role is limited to reviewing the underlying record of the investigation and hearing, the appealing party's ("Appellant") written appeal statement, any response to that statement by the other party ("Appellee"), and information presented at a meeting of the appellate decision-maker, if convened.

**Conflict of interest.** The College will notify the Appellant and Appellee of the name of the appellate decision-maker. The Appellant and/or Appellee may challenge the participation of an appellate decision-maker because of an actual conflict of interest, bias, or prejudice. Such challenges, including rationale, must be submitted in writing to the Title IX Coordinator no later than 48 hours after notification of the name of the appellate decision-maker. The College will determine whether such a conflict of interest exists and whether an appellate decision-maker should be replaced.

**Response to Appeal.** The appellate decision-maker will provide written notice to the Appellee that an appeal has been submitted and will give the Appellee an opportunity to review the appeal statement. The Appellee may submit a written response to the appeal ("response"). The response is due five business days from the date the College provides written notice of the appeal to the Appellee and must be limited to no more than 3,000 words. The response should be submitted in electronic form using ARIAL or TIMES NEW ROMAN, 12-point font, and single-spaced. Responses should use footnotes, not endnotes. Responses that do not meet these standards may be returned to the party for correction, but the time for a response will not be extended unless there is evidence that technical malfunction caused the response to not meet these standards.

The College will provide the Appellant an opportunity to review the response. No "reply" or further submission may be provided.

**Written Decision.** The appellate decision-maker will provide written notification of the final decision to the Appellant and Appellee simultaneously. The written decision shall describe the result of the appeal and the rationale for the result. The appellate decision-maker will typically notify the parties of its decision regarding an appeal in writing within 10 business days from receipt

of the appeal statement. If the decision will take longer, the parties will be informed. The decision of the appellate decision-maker will be final, and no subsequent appeals are permitted.

## **Informal Resolution**

Informal resolution is an alternative resolution process that does not include an investigation or hearing. Informal resolution is typically a spectrum of facilitated, or structured, and adaptable processes between the Complainant, the Respondent, and/or other affected community members that seeks to identify and meet the needs of the Complainant while providing an opportunity for the Respondent to acknowledge harm and seek to repair the harm (to the extent possible) experienced by the Complainant and/or the College community.

Informal resolution options include but are not limited to mediation,<sup>19</sup> referral of the parties to counseling programs, targeted or broad-based educational and training programs, direct communication with the Respondent by the Complainant, communication with the Respondent by the Title IX Coordinator or a College administrator, or other forms of restorative justice.

Informal Resolution is not available in cases involving a Student-Complainant and Employee-Respondent. Additionally, the informal resolution process may not commence unless and until a Formal Complaint is filed. Informal resolution may be available, under appropriate circumstances, at any time prior to reaching a determination regarding responsibility.

Some alleged violations of this Policy may not be appropriate for informal resolution. The Title IX Coordinator reserves the right to determine whether informal resolution is appropriate in a specific case. Before the Title IX Coordinator commences the informal resolution process, both parties must provide informed consent to the informal resolution process in writing. In addition, where both parties and the College determine that informal resolution is worth exploring, the College will provide the parties with a written notice disclosing:

- the allegations of the Formal Complaint,
- the requirements of the Informal Resolution process, and
- any consequences resulting from participating or withdrawing from the process, including the records that may be maintained by the College.

At any time prior to reaching a resolution, either party may withdraw from the informal resolution process and proceed with the formal grievance process for resolving the Formal Complaint.

Once an informal resolution outcome is agreed to by all parties, the resolution is binding, and the parties generally are precluded from resuming or starting the formal grievance process related to

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<sup>19</sup> Mediation, even if voluntary, may not be used in cases involving Sexual Assault.

that Formal Complaint. Any breach of the terms of an informal resolution agreement may result in disciplinary action.

Remedies-based resolution will typically be completed within 90 business days after the informal resolution process commences. Situations that are resolved through informal resolution are usually subject to follow-up after a period of time to assure that resolution has been implemented effectively.

## **Retaliation**

Except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of the Title IX Regulations, including to conduct of any investigation, hearing, or judicial proceeding under this Policy, Ursinus will keep confidential the identity of (1) any individual who makes a Report or Formal Complaint, (2) any complainant, (3) any Respondent, and (4) any Witness.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or the Title IX Regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a Report or Formal Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Sexual Misconduct/ Title IX Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or Complaint of sex discrimination or a report or Complaint of sexual harassment.

Retaliation should be reported promptly to the Title IX Coordinator and may result in disciplinary action independent of the sanction imposed in response to the underlying allegations of discrimination.

## **Record Retention**

The College will retain for a period of seven years after the date of case closure: the official file relating to a formal resolution (including any investigation hearing, sanctioning, and/or appeals processes) or informal resolution involving allegations of Title IX Misconduct. In cases in which a Respondent was found to have violated the Policy and was expelled or terminated, the College may retain such official case files indefinitely.

## **ADDENDUM A: DECORUM POLICY**

### **Purpose of the Rules of Decorum**

The grievance hearings set forth in Ursinus's Policy are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final Rule "purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner." 85 Fed. Reg. 30026, 30319 (May 19, 2020). The Department has determined that institutions "are in a better position than the Department to craft rules of decorum best suited to their educational environment" and build a hearing process that will reassure the parties that the institution "is not throwing a party to the proverbial wolves." Id.

To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of an advisor who refuses to comply with the rules. Id., at 30320. As the Department explains, the removal process "incentivizes a party to work with an advisor of choice in a manner that complies with a recipient's rules that govern the conduct of a hearing and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participants." Id.

At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect.

The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent.

### **Rules of Decorum**

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

1. Questions must be conveyed in a neutral tone.
2. Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning.
3. No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
4. While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
5. The advisor may not yell, scream, badger, or physically "lean in" to a party or witness's personal space. Advisors may not approach the other party or witnesses without obtaining permission from a decision-maker.

6. The advisor may not use profanity or make irrelevant *ad hominem* attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
7. The advisor may not ask repetitive questions. This includes questions that have already been asked by a decision maker, the advisor in cross-examination, or the party or advisor in direct testimony. When a decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on.
8. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

### **Warning and Removal Process**

The Hearing Officer shall have sole discretion to determine if the Rules of Decorum have been violated. The decision-maker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the Hearing Officer shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the Hearing Officer removes a party’s advisor, the party may select a different advisor of choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance.

The Hearing Officer shall document any decision to remove an advisor in the written determination regarding responsibility.

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this Rule will be gathered by the Title IX Coordinator and presented to the Vice President for College & Community Engagement for cases involving students or the Director of Human Resources for cases involving employees.

The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President for College & Community Engagement for cases involving students or the Director of Human Resources for cases involving employees. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice President for College & Community Engagement for cases involving students/Director of Human Resources for cases involving employees/Other Appropriate Staff Member shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction.

The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) days unless extended for good cause. There is no appeal of this finding. Sanctions shall be higher for intentional re-disclosure of records than for negligent re-discourse. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice President for College & Community Engagement for cases involving students/Director of Human Resources for cases involving employees/Other Appropriate Staff Member no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

**Relevant Questions Asked in Violation of the Rules of Decorum**

Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the decision-maker simply because of the manner it was delivered. Under that circumstance, the decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules). *See*, 85 Fed. Reg. 30331.

## **ADDENDUM B: GUIDE FOR DETERMINING RELEVANCE**

### **What is the purpose of this Guide?**

On May 19, 2020, the U.S. Department of Education issued Final Rules governing the Title IX grievance process, effective August 14, 2020. The Final Rule requires that all colleges and universities hold a live hearing before making any determination regarding responsibility for covered reports of Title IX sexual harassment, including sexual violence. This hearing must provide for live cross-examination by the parties' advisors.

Any question posed by the advisors must be evaluated for "relevance" in real time by the hearing officer. According to Final Rule §106.45(b)(6)(i):

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

### **What is a relevant question?**

The Department of Education encourages institutions to apply the "plain and ordinary meaning" of relevance in their determinations. 85 Fed. Reg. 30026, 30304 (May 19, 2020). Basically, a relevant question will ask whether the facts material to the allegations under investigation are more or less likely to be true. *Id.* at 30294. A question not directly related to the allegations will generally be irrelevant.

Officials should use common sense in this understanding. Things may be interesting or surprising but not be relevant.

Relevance decisions should be made on a question-by-question basis, looking narrowly at whether the question seeks information that will aid the decision-maker in making the underlying determination. The relevance decision should not be based on who asked the question, their possible (or clearly stated) motives, who the question is directed to, or the tone or style used to ask about the fact. Relevance decisions should not be based in whole or in part upon the sex or gender of the party for whom it is asked or to whom it is asked, nor based upon their status as complainant or respondent, past status as complainant or respondent, any organizations of which they are a member, or any other protected class covered by federal or state law (e.g. race, sexual orientation, disability).

If a question is relevant but offered in an abusive or argumentative manner, the decision-maker has the discretion to ask the advisor to rephrase the question in an appropriate manner, consistent with the institution's decorum policy for hearings.

### **What if the question is "prejudicial" and concerns sensitive or embarrassing issues?**

Much of the content within these hearings may be considered sensitive and/or embarrassing by parties or advisors. However, relevant questions need to be considered *even if* a party or advisor

believes the danger of unfair prejudice substantially outweighs their probative value.<sup>20</sup> Only irrelevant questions (detailed below), including about the complainant's prior sexual history, may be excluded.

### **What is an irrelevant question?**

#### *Questions about Complainant's Prior Sexual Behavior or Sexual Predisposition*

Questions about Complainant's sexual predisposition are not relevant.

Questions and evidence about the complainant's prior sexual behavior are not relevant, unless:

1. 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
2. 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. 34 C.F.R. § 106.45(6)(i).

#### *Question regarding Privileged Information*

Questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege are irrelevant. 34 C.F.R. § 106.45(1)(x). Depending on your state, individuals with legal privilege may include medical providers (physician, dentist, podiatrist, chiropractor, nurse), psychologists, clergy, rape crisis counselors, and social workers. (for instance, New York's "laws of privilege" are listed within [CPLR Article 45](#); Each state has its own rules around privilege).

#### *Questions about Undisclosed Medical Records*

Questions that call for information about any party's medical, psychological, and similar records are irrelevant unless the party has given voluntary, written consent. 85 Fed. Reg. 30026, 30294 (May 19, 2020).

#### *Duplicative Questions*

Questions that repeat, in sum or substance, questions already asked by the decision-maker prior to cross-examination, or by a party's advisor during cross-examination (and if part of your process, during direct examination), may be ruled duplicative, and therefore irrelevant.<sup>21</sup>

### **How should the Hearing Officer reach a relevance determination?**

Hearing Officer will be solely responsible for determining the relevance of the question before it is asked.

### **What should the relevance determination consist of?**

The Department of Education explains that the Final Rule "does not require a decision-maker to give a lengthy or complicated explanation" in support of a relevance determination. Rather, "it is sufficient, for example, for a decisionmaker to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions, or

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<sup>20</sup> 85 Fed. Reg. 30026, 30294 (May 19, 2020).

<sup>21</sup> See 85 Fed. Reg. 30026, 30331 (May 19, 2020) ("nothing in the final regulations precludes a recipient from adopting and enforcing (so long as it is applied clearly, consistently, and equally to the parties) a rule that deems duplicative questions to be irrelevant").



because the question asks about a detail that is not probative of any material fact concerning the allegations.” Id. at 30343.

As such, the decision-maker need only provide a brief explanation of the determination, which will ordinarily consist of one of the following statements depending on the situation.

**May the parties and/or their advisors ask the Hearing Officer to reconsider their relevance decision?**

Any party or their advisor may request that the Hearing Officer reconsider their relevance determination.

The Hearing Officer may deny or grant the request to reconsider. This determination is final but may be subject to appeal under the grievance process.

# Appendix B

## Policy

College Community members have the right to be free from all forms of sexual and/or gender-based harassment and violence. All College community members are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College has zero tolerance for sexual and/or gender-based misconduct. Zero tolerance means that when an allegation of misconduct is brought to a College Official's attention, protective and other remedial measures will be taken to reasonably ensure that such conduct ends, is not repeated, and the effects on the Complainant and College Community are remedied, including serious sanctions when a responding party is found to have violated this policy. Non-members of the campus community who engage in discriminatory actions within College programs or on College property are not under the jurisdiction of this policy, but can be subject to actions that limit their access and/or involvement with College programs as the result of their misconduct. All vendors serving the College through third-party contracts are subject to these policies and procedures, to which their employer has agreed to be bound.

Reports of sexual misconduct committed by students or student organizations will be resolved according to the procedures outlined in the Ursinus Student Handbook (<https://www.ursinus.edu/student-life/handbook/sexual-and-gender-based-misconduct/>). Reports of sexual misconduct against faculty or staff will be resolved according to the Human Resource Harassment Policy (<https://www.ursinus.edu/offices/human-resources/policies-and-practices/harassment-policy/>).

The College encourages prompt reporting and timely adjudication of all sexual assaults and sexual harassment. Different employees on campus have different abilities to maintain a Complainant's confidentiality. Some employees are required to maintain near complete confidentiality, and some employees are required to report all details of an incident to the Title IX coordinator (<https://www.ursinus.edu/title-ix/>)

Reports of *Sexual Misconduct* include, but are not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact
3. Non-Consensual Sexual Intercourse
4. Sexual Exploitation
5. Intimate Partner Violence (including dating violence, domestic violence, and/or relationship violence)
6. Stalking

## Violation Definitions

### *Sexual Harassment*

Sexual harassment is any unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or nonverbal conduct of a sexual nature, when one or more of the following conditions are present:

- Submission to or rejection of such conduct is an explicit or implicit condition of an individual's employment, education, evaluation of academic work, or any aspect of a College program or activity;
- Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Sexual harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical. Sexual harassment can take many forms. Sexual harassment:

- may be verbal or non-verbal.
- may be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- may be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- may be committed by or against an individual or may be a result of the actions of an organization or group.
- may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating may be a one-time event or part of a pattern of behavior.
- may be committed in the presence of others or when the parties are alone.

- may affect the complainant and/or third parties who witness or observe harassment type and severity.

Key determining factors are that the behavior is unwelcome, is gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

### ***Hostile Environment Caused by Sexual Harassment***

A “hostile environment” exists when harassment is sufficiently serious to deny or limit an individual’s ability to participate in or benefit from the College’s programs or activities. In determining whether harassment has created a hostile environment, the College considers the conduct in question from both a subjective and objective perspective. It is necessary, but not enough, that the conduct was unwelcome to the student who was harassed. The College will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

Whether a hostile environment exists depends upon a variety of factors, including:

- the type, frequency, and duration of the conduct;
- the identity and relationships of persons involved;
- the number of individuals involved;
- the location of the conduct and the context in which it occurred; and,
- the degree to which the conduct affected one or more student’s education.

The more severe the harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. For example, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

### ***Non-Consensual Sexual Contact***

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person, which is without consent and/or by force. Sexual contact includes intentional contact with the intimate parts of another, causing another to touch one’s intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes attempted sexual intercourse.

### ***Non-Consensual Sexual Intercourse (Rape)***

Non-consensual sexual intercourse includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth to genital contact.

## ***Sexual Exploitation***

Sexual exploitation occurs when a person abuses or exploits another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose without that person's consent. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity in a place where that person would have a reasonable expectation of privacy, without that person's consent;
- recording, and/or distributing (including streaming) of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without that person's consent;
- prostituting another individual;
- exposing one's genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

## ***Stalking***

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate either of the following:

- place the person in reasonable fear of bodily injury; or
- reasonably cause substantial emotional distress to the person.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person;
- repeated oral or written threats;
- extortion of money or valuables;
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or

- implicitly threatening physical contact;
- or any combination of these behaviors directed toward an individual person.

### ***Intimate-Partner Violence***

Intimate-partner violence, also referred to as dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior. Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence, sexual violence, emotional violence, and economic abuse. Intimate-partner violence may take the form of threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner. Intimate-partner violence affects individuals of all genders, gender identities, gender expressions, and sexual orientations and does not discriminate by racial, social, or economic background.

### ***Intimidation***

Intimidation is defined as implied threats or acts that cause fear of bodily injury to a person or their family.

### ***Retaliation***

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity (subject to limitations imposed by the First Amendment and/or Academic Freedom). Retaliation against an individual for an allegation, for supporting a Complainant or for assisting in providing information relevant to an allegation is a serious violation of College policy.

## **Additional Definitions**

### ***Consent***

*Consent* to engage in sexual activity must be informed, knowing and voluntary; Consent must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

### ***Guidance for Consent:***

- Prior to initiating a sexual encounter, one is expected to obtain consent to each act of sexual activity prior to initiating such activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- When consent is requested verbally, absence of any explicit verbal response constitutes lack of consent. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.
- If at any time during the sexual activity, any confusion or ambiguity arises as to the willingness of the other individual to proceed, both parties should stop and clarify verbally the other’s willingness to continue before continuing such activity.
- Individuals with a previous or current intimate relationship do not automatically give either initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates a willingness to engage in sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise their own free will to choose whether or not to have sexual contact.
- An individual who is physically incapacitated from alcohol or other drug consumption (voluntarily or involuntarily) or is asleep, unconscious, unaware, or otherwise physically helpless is considered unable to give consent.
- In the Commonwealth of Pennsylvania, the age of majority is 18. Under state law, consent cannot be given by minors under the age of 13 and can only be given by a minor under the age of 16, if the other party is less than four (4) years older than the minor.

### ***Coercion***

*Coercion* is the use of pressure to compel another individual to initiate or continue sexual activity against an individual’s will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person’s words or conduct are sufficient to constitute coercion if they wrongfully impair another individual’s freedom of will and ability to choose whether or not to engage in sexual activity. Examples of coercion include threatening to “out” someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

### ***Force***



*Force* is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

### ***Incapacitation***

With *incapacitation*, an individual lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred speech, vomiting, an unsteady gait, odor of alcohol, combativeness, or emotional volatility. Evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual's:

- decision-making ability;
- awareness of consequences;
- ability to make informed judgments; or
- capacity to appreciate the nature and the quality of the act.

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

The College considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual harassment, misconduct, or intimate-partner violence and does not diminish one's responsibility to obtain informed and freely given consent.

## **Reporting Sexual Misconduct**

### ***Confidentiality and Reporting***

College employees are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting

requirements when consulting campus resources. On campus, certain counselors and clergy may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate College Officials. These resources can offer options and advice without obligation to report the alleged misconduct unless the complainant has requested information to be disclosed. Other resources exist for a complainant to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the two reporting options at Ursinus:

### ***Confidential Reporting***

If a reporting party wants confidentiality, they may speak with any of the following on or off campus resources:

- On Campus Resources:
  - Wellness Center Professional Counselors and Medical Providers (<https://www.ursinus.edu/offices/wellness-center/>)
    - Wellness Center (610-409-3100)
  - College Chaplain
    - Office of the Chaplain (610-409-3273)
- Off-campus Resources:
  - Victims Services Center of Montgomery County
    - 888-521-0983
    - [www.victimservicescenter.org](http://www.victimservicescenter.org)
  - The Crime Victims' Center of Chester County
    - 610-692-7273
    - [www.cvcofcc.org](http://www.cvcofcc.org)
  - Delaware County Women Against Rape
    - 610-566-4342
    - [www.delcowar.org](http://www.delcowar.org)
  - Network of Victim Assistance (Bucks County)
    - 1-800-675-6900
    - [www.novabucks.org](http://www.novabucks.org)
  - Berks Women in Crisis (Berks County)
    - 610-372-9540
    - [www.berkswomenincrisis.org](http://www.berkswomenincrisis.org)
  - Women Organized Against Rape (Philadelphia)
    - 215-985-3333
    - [www.woar.org](http://www.woar.org)

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. Written pamphlets outlining

resources available will be provided to all individuals (reporting and accused) which are also available in the Wellness Center, Campus Safety Office, and Student Affairs Suite.

### ***Formal Reporting Options***

To report sexual misconduct, contact any of the following resources:

- Resident Advisors
- Peer Advocates
- Crisis Response Team: 610-409-3344
- Campus Safety: 610-409-3333
- Collegeville Police: 911
- Title IX Coordinator 610-409-3590

Except as set forth above, reports made to an employee of the College must be reported to the Title IX Coordinator. Reporting parties should therefore consider carefully whether they disclose personally identifiable details with non-confidential employees, as the employee will disclose those details to the Title IX Coordinator. Employees must disclose all details of the reports they receive. Generally, climate surveys, classroom writing assignments, human subject research, or events such as coffee and conversation or speak-outs do not provide notice that must be reported to the Title IX Coordinator by employees. Remedial actions may result without formal College action.

If a Complainant does not wish to name the Respondent, does not want an investigation to take place, or does not want a formal resolution to be pursued, the Complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the College's duty to ensure the safety of the campus and comply with state and federal law. In cases indicating pattern, predation, threat, weapons and/or violence, the College may be unable to honor a request for confidentiality. In cases where the Complainant requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the Complainant and the community, but will not otherwise pursue formal action. A Complainant has the right, and can expect, to have reports taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the Complainant, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the Respondent. The circle of people with this knowledge will be kept as tight as possible to preserve the Complainant's rights and privacy.

Failure of a non-confidential employee, as described in this section, to report an incident or incidents of sex or gender-based misconduct of which they become aware, is a violation of College policy and can be subject to disciplinary action.

### ***Interim Action***

In some cases, interim action prior to the resolution of the case may be necessary. This may be imposed upon initial receipt of a report, when the College becomes aware of a concern, or at a later time in the student conduct process. Reasons interim action may be issued include but are not limited to:

- to protect the health, welfare, or safety of a student or of the community,
- if the student poses a threat of significant disruption to the educational process and/or the normal operations of the College,
- to provide legally mandated interim remedies, such as may be required for the College to comply with Title IX; or
- if the student cannot be located and/or does not participate in the conduct process.

In the event that interim action will be taken, both parties will be notified in writing.

Examples of interim action include but are not limited to:

- Suspension from residence halls
- Suspension from the College
- Restricted access to campus, limiting time or location
- Class section reassignment
- No-Contact orders

### ***What to do if you are sexually assaulted***

1. **Get to a safe place as quickly as you can.** If you think you are in imminent danger, call the Police by dialing 9-1-1 or call Campus Safety at 610-409-3333.
2. **Contact someone for help and support.** Ursinus offers support services and resources to Complainants, including the Crisis Response Team (“CRT”), Peer Advocates, and the Wellness Staff. Complainants will be treated with sensitivity, dignity, and respect. Depending on the nature of the offense and the status of the accused, there may be instances when Ursinus must take action to protect the Complainant and/or members of the College Community by use of a Timely Warning or other type of protective or remedial measures.
3. **Seek medical attention as soon as possible.** Even if you do not want to report to the police, or if it has been a while since the assault, you can still benefit from medical attention. **Local hospitals** have Sexual Assault Nurse Examiners to administer care and collect evidence. Health concerns such as sexually transmitted disease (STD), pregnancy, and treatment of injuries will be addressed.

A hospital or medical facility can aid in the collection of evidence of a sexual assault, which can only be collected for a short time after a sexual assault occurs. Evidence is best preserved if you do not change your clothes, shower, bathe, douche, wash your hands, brush your teeth, or comb your hair prior to seeking medical attention.

The Wellness Center also provides pregnancy testing, STD prevention, emergency contraception, and evaluation services. To schedule an appointment, call 610-409-3100 or email [wellness@ursinus.edu](mailto:wellness@ursinus.edu). You may also visit the Wellness Center without an appointment.

**4. Get Emotional Support.** Tell someone you trust. There are resources available both on and off campus to provide you with guidance and support after a sexual assault. The following resources are available to all Ursinus College students:

- Crisis Response Team: 610-409-3344. CRT members will meet with you to provide support and immediate interventions. A member of the Crisis Response Team is available to respond to calls 24 hours a day.
- Wellness Center: 610-409-3100. Campus counselors are available to provide confidential support during business hours.
- Montgomery County Victim Services Center 24 hour hotline: 610-277-5200. In addition to the 24-hour crisis hotline, Victim Services offers free legal advocacy, individual and group therapy, and other resources for reporting parties.

### ***Preserving Evidence***

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault should be collected within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. Victims of sexual assault should go to the Hospital Emergency Room, before washing self or clothing. If an individual goes to the hospital and reports that he or she has been sexually assaulted, local police will be called, but the individual is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a Complainant, but they will not be obligated to pursue any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the Complainant decide later to do so.

## **Additional Policy Provisions**

### ***Retaliation***

It is a violation of College policy to retaliate against any person making a complaint of sexual misconduct or against any person cooperating in the investigation of (including testifying as a witness to) any allegation of sexual misconduct. For these purposes, “retaliation” includes intimidation, threats or harassment against any such complainant or third party. Retaliation should be reported promptly to the Campus Safety or the Administrator and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations of sexual misconduct.

### ***Effect of Criminal Proceedings***

Because the standards for finding a violation of criminal law are different from the standards for finding a violation of the Sexual and Gender-based Misconduct Policy, criminal investigations or reports are not determinative of whether sexual misconduct, for purposes of this Policy, has occurred. In other words, conduct may constitute sexual misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and therefore decline to prosecute. The filing of a complaint of sexual misconduct under this Policy is independent of any criminal investigation or proceeding, and the College will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation and take interim measures to protect the Complainant and the College Community, if necessary.

### ***False Reports***

The College will not tolerate intentional false reporting of incidents. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

### ***Amnesty for Reporting Parties and Witnesses***

The College Community encourages the reporting of misconduct and crimes. Students should not hesitate to report sexual misconduct to College 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 the College Community that parties report to College Officials, and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering complainants of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble. The College pursues a policy of amnesty for students who offer help to others in need. While certain policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

### ***Parental Notification***

The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status, or conduct situation, particularly alcohol and other drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, the College will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct reports pursuant to the FERPA.

## **Adjudication Procedures**

Detailed information about adjudication procedures for sexual and gender-based misconduct can be found in the Ursinus Student Handbook, (<https://www.ursinus.edu/live/files/2017-2017-2018-student-handbook>) and described below. All adjudication processes will be fair, impartial, and promptly completed by an investigator appointed by the Title IX Coordinator whom receives annual training at minimum.

### ***Faculty/Staff Procedures***

When a faculty or staff member is accused of sexual or gender-based misconduct, the following procedures apply. Allegations of Sexual Misconduct are to be reported to the Title IX Coordinator, the Dean of Students, the Dean of the College or Human Resources. A lead Administrator will be designated to coordinate an intake meeting with the Complainant in order to provide a general understanding of this policy and to identify forms of support or immediate interventions available to the Complainant, including referrals to appropriate law enforcement agencies, referrals for medical treatment and/or counseling at Wellness Center, and/or the Victim Services Center of Montgomery County. The intake meeting will include a discussion of any accommodations that may be appropriate concerning the Complainant's academic, College housing, and/or College employment arrangements. The Administrator will notify and update the Title IX Coordinator throughout the process.

### ***Informal Adjudication with Faculty/Staff***

A Complainant who wishes to file a formal complaint but who does not wish to pursue Formal Adjudication may request a less formal proceeding, known as "Informal Adjudication." Informal Adjudication is an adjudicative process; it is not mediation.

1. **Purpose of Informal Adjudication:** Informal Adjudication provides an opportunity for the Complainant to confront the Respondent in the presence of and facilitated by a presiding officer, as described below, and communicate their feelings and perceptions regarding the incident, the impact of the incident and his or her wishes and expectations regarding protection in the future. The Respondent will have an opportunity to respond.
2. **Presiding Officer:** The Title IX Coordinator or designee will act as Presiding Officer and may elect to be assisted by another College administrator.
3. **Advisor:** Both the Complainant and the Respondent may each choose one individual to accompany them throughout the hearing as their Advisor. The Advisor may submit questions/statements to the Presiding Officer prior to the hearing, and the Advisor may provide support and guidance to the Complainant and the Respondent during the hearing.
4. **Outcome of Informal Adjudication:** The outcome may include protective actions agreed upon by the parties. Without such agreement, the Presiding Officer may impose protective actions based on information derived from the proceedings, taken together with any other relevant information known to the College at the time of the

- Informal Adjudication. The outcome may also include sanctions, as outlined by Human Resources. Both parties will be notified simultaneously in writing about the outcome of the informal adjudication.
5. Election of Formal Adjudication: The Complainant may, at any time prior to the conclusion of the Informal Adjudication, elect to end such proceedings and initiate Formal Adjudication instead.
  6. Confidentiality of Informal Adjudication: In order to promote honest, direct communication, information disclosed during Informal Adjudication will remain confidential, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

## **Formal Adjudication with Faculty/Staff**

In the event the Complainant or College wants to proceed with formal adjudication, the Title IX Coordinator will appoint a trained investigator to conduct the investigation of the alleged misconduct. All investigations will be prompt, thorough, reliable, and impartial, and will entail interviews with all relevant parties and witnesses and collection of available evidence. If the investigation shows possibility of a policy violation, the Title IX Coordinator will convene an ad hoc committee of three faculty or staff members to hear the case. One member will be designated to chair the proceedings. The ad hoc committee will consider the complaint, hear from both parties, consider other pertinent evidence, and will issue findings of facts and recommendations in writing.

1. Recording: The Chair will arrange for the hearing to be recorded and may arrange for the preparation of any transcript of the recording that they deem appropriate or which a party requests (upon prompt payment by the requester of the transcription fee). Such recording will be arranged through the Dean of Students' Office.
2. Advisor: Both the Complainant and the Respondent may each choose one individual to accompany them throughout the hearing as their Advisor. The Advisor may submit questions/statements to the Chair prior to the hearing, and the Advisor may provide support and guidance to the Complainant and the Respondent during the hearing.
3. Presence: Both the Complainant and the Respondent may be present throughout the hearing.
4. Right of Challenge: The parties may challenge the presence of any ad hoc committee member on the basis of bias or preformed judgment. Such challenge shall be presented in writing to the Title IX Coordinator no less than 24 hours before the formal adjudication meeting. The committee chair, in conjunction with the Vice President of Academic Affairs (faculty proceedings) or Vice President of Finance & Administration (staff proceedings), will consider challenges. An alternate will replace any member removed from the committee.
5. Evidentiary Standard: The Department of Education's Office of Civil Rights has interpreted Title IX to require schools to evaluate evidence of alleged Sexual Misconduct under a "preponderance of the evidence" standard and that is the standard adopted by this Policy. A preponderance of the evidence means that the conduct in question "more likely than not" occurred.
6. Determination Letter: Following the hearing, the ad hoc committee will simultaneously issue a determination letter to the Respondent, the Respondent's supervisor, and the



Complainant. The determination letter will include following information: the name of the Respondent; whether the Respondent has been found responsible or not responsible for Sexual or Gender-Based Misconduct; and explanation of the reasoning for the determination; the sanction imposed, if any, and information about the appeal process. Sanctions take effect immediately at the conclusion of the hearing and remain in effect, pending an appeal outcome. As guaranteed by Federal law, both the Respondent and the Complainant have a right to this information.

7. Outcome: The supervisor, after consultation with the ad hoc committee, will inform both parties simultaneously in writing of the outcome on the complaint.
8. Timeline: The Investigation and Formal Adjudication together typically conclude within sixty (60) days of receiving the complaint.

## **Student Sanctioning**

The following sanctions may be imposed upon any member of the College Community found to have violated the Sex and Gender-Based Misconduct Policy. Factors considered in sanctioning are defined in the Student Code of Conduct (<https://www.ursinus.edu/student-life/handbook/student-code-of-conduct/>). The following are the typical sanctions that may be imposed upon students or organizations singly or in combination:

- Warning
- Probation
- Suspension
- Dismissal
- Withholding Diploma
- Revocation of Degree
- Transcript Notation
- Organizational Sanctions
- Other Actions

### ***Sanctioning for Sexual Misconduct***

- Any person found responsible for a Sexual Assault violation (where no intercourse has occurred) will likely receive a sanction ranging from probation to dismissal, depending on the severity of the incident, and taking into account any previous disciplinary violations.\*
- Any person found responsible for a Sexual Assault violation (where intercourse occurred) will likely face a recommended sanction of suspension or dismissal.\*
- Any person found responsible for a Sexual Exploitation or Sexual Harassment violation will likely receive a recommended sanction ranging from warning to dismissal, depending on the severity of the incident, and taking into account any previous disciplinary violations.\*

\*The sanctioning official or hearing body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive

behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

### ***Student Rights***

All Students Have the Right:

- To report the Sexual Misconduct to the Title IX Coordinator, Dean of Students' Office, Campus Safety, the Crisis Response Team or law enforcement.
- To be afforded all rights as defined under this Policy and the Student Handbook.
- To consideration of academic needs (make-up privileges, etc.) which may result.
- To have access to the College Wellness Center and Campus Safety.
- To consideration of a trained support person to accompany him/her through the College and/or criminal court proceedings.
- To a safe environment, which may include a change of College residence until proceedings, have been completed.

Complainants and Respondents Have the Right:

- To be present or absent during the College judicial proceedings.
- To consideration of an advisor of choice to accompany them through the adjudication process.
- To consideration of a trained support person to accompany them through the adjudication process.
- To be notified of the outcome of the College adjudicative process and/or criminal court proceedings simultaneously and in writing.
- To request confidentiality, which will be provided to the extent possible.
- To be free from intimidation, harassment, and retaliation.
- To receive a written statement of their rights as defined under this Policy and the Student Handbook or Faculty and Staff Handbook, as applicable.
- To receive a list of available College and broader community services in writing.

Complainants Have the Additional Right:

- To protection from any reference to past sexual history in the College proceedings.
- To maintain control of the extent to which he/she wants to pursue College proceedings.

### **Appeals**

The College offers the opportunity to appeal student conduct Panel Hearing and Investigative Resolution outcomes. Sanctions are in effect while an appeal is being considered, unless otherwise stated in writing by the Vice President for College and Community Engagement. An appeal is not a re-hearing of the case, but an evaluation of whether the ground(s) for an appeal are present and should alter the outcome of the case. Not participating in a conduct process is not grounds for an appeal. Appeals may be requested based only on one or more of the following claims:

- 1) College procedures were not followed, and the deviance would substantially alter the outcome(s) of the case;
- 2) New relevant evidence was not reasonably available at the time of the hearing and would substantially alter the outcome(s) of the case; or
- 3) Sanctions are inappropriate relative to the violation.

Appeals addressing one or more of the above grounds must be submitted in writing to the Vice President for College and Community Engagement within seven days of the sending of the notice of outcomes. An appeal hearing board of elected or appointed members will review all relevant information to the case and provide a response within ten academic days after receipt of the appeal. The appeal hearing board will consist of two faculty and one student who did not serve on the original hearing. If the grounds for appeal are determined to be founded, the hearing board may adjust the finding(s) and/or the sanction(s). The appeal board's decision is final.

In cases where the behaviors in question may also constitute a crime of violence (as defined in the Clery Act) and in cases involving any allegation of gender-based or sexual misconduct, both the respondent and the complainant (or victim) have the right to appeal the finding(s) of responsibility and/or sanctions based on the above criteria. If an appeal is received, the other party will be notified of the receipt of the appeal, the grounds upon which the appeal has been sought, and of the opportunity to provide information for consideration by the appeal hearing board no later than ten days from the receipt of the appeal. In these cases, the appeal hearing board will have an additional ten days to provide a response.

## **Notification of Final Results**

Upon written request, Ursinus College will disclose to the alleged victim and perpetrator(s) of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceedings conducted by the institution. If the alleged victim is deceased as a 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.

## **Sexual Violence Risk Reduction Tips**

Risk reduction tips can often take a tone of blaming a reporting party, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer the tips below solely help you to reduce your risk of experiencing a non-consensual sexual act. Below, suggestions to avoid committing a non-consensual sexual act are also offered:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.

- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Give thought to sharing your intimate content, pictures, images and videos with others, even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- Do not make assumptions about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity, then you do not have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Do not take advantage of someone's drunkenness or altered state, even if they willingly consumed alcohol or substances.
- Realize that your potential partner could feel intimidated or coerced by you. You may have a power advantage simply because of your gender or physical presence. Do not abuse that power.
- Do not share intimate content, pictures, images and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity, or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

## **Sex Offender Registry and Access to Related Information**

The federal Campus Sex Crimes Prevention Act went into effect on October 28, 2002. The law requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information may be obtained. It 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.

Information regarding registered sex offenders on the campus of Ursinus College may be obtained from the following agencies:

Collegeville Police Department, 491 E. Main Street, Collegeville, PA., 610-489-9332

Lower Providence Township Police Department, 100 Parklane Drive, Eagleville, PA., (610) 539-5900

<http://www.pameganslaw.state.pa.us/Main.aspx>

# Appendix C



# EMERGENCY URSINUS PROCEDURES

Campus Safety - (610) 409-3333 or x3333

IMPORTANT PHONE NUMBERS

CIVIL DISTURBANCE / RIOT

FIRE or FIRE ALARM

MEDICAL

SEVERE WEATHER or EARTHQUAKE

SUSPICIOUS PERSON or ITEM

PSYCHOLOGICAL CRISIS / SUICIDE THREAT

BOMB THREAT

HAZARDOUS MATERIAL / CHEMICAL RELEASE

BLOOD / BODY FLUID / INFECTIOUS AGENTS

UTILITY FAILURES

ACTIVE SHOOTER / HOSTAGE

ASSISTING PEOPLE WITH DISABILITIES

NOTIFICATIONS & GENERAL PROCEDURES

POLICE-FIRE-MEDICAL

<u>Department</u>	<u>Campus</u>	<u>Off-Campus</u>
<b>Emergencies:</b>		
Emergency (Police-Fire-EMS)	911	911
Campus Safety (24-hours)	3333	(610) 409-3333
Crisis Response Team	3344	(610) 409-3344
<b>Non-Emergencies:</b> (Normal Business Hours Only)		
Facilities	3598	(610) 409-3598
Wellness Center	3100	(610) 409-3100
Residence Life	3590	(610) 409-3590
Environmental Health & Safety	3221	(610) 409-3221
Collegeville Police Non-Emergency Dispatch		(610) 489-9332





# IMPORTANT PHONE NUMBERS

If a **CIVIL DISTURBANCE** or **RIOT** is in progress:

- Keep a safe distance from any crowd activities that appear unsafe.
- Secure your area – lock doors and windows.
- Avoid confrontation with crowd participants.
- If Campus Safety is not already present, call 610-409-3333 or x3333 and report details of the event. Campus Safety will notify additional personnel, if required.

**CIVIL DISTURBANCE / RIOT**

In the event of a **FIRE** or **FIRE ALARM** in or near your area:

- If smoke and/or fire are visible, call 911 immediately, then call Campus Safety (610-409-3333 or x3333).
- Activate the nearest fire alarm and alert those around you.
- Shut down any running equipment, if it is safe to do so.
- Exit the area, shutting doors behind you. Do not lock doors! Do not use elevators.
- Evacuate building through nearest exit and move at least 500 feet away from structure.
- Do not return to building unless authorized by a College Official or Fire Official.

**FIRE or FIRE ALARM**

If there is a **MEDICAL EMERGENCY** or **INJURED PERSON** in your area:

- Remain calm and encourage others to do the same.
- If the victim is conscious, call Campus Safety (610-409-3333 or x3333) and request EMS dispatch.
- If the victim is not conscious or not breathing, call 911 immediately.
- Do not attempt to move a person who has fallen or appears to be in pain.
- For serious injuries, check breathing and give artificial respiration, if necessary.
- Control serious bleeding by direct pressure on the wound.
- Stay with the victim until help arrives.
- AEDs are located on campus, if needed. Be familiar with the location of the nearest AED.
- Provide all information to emergency medical personnel.

**MEDICAL**

If there is a **TORNADO**, **HURRICANE**, or **SEVERE WEATHER** in the area:

- Monitor weather conditions via radio or the local [National Weather Service Forecast Office](#).
- A weather “watch” means conditions are favorable for the development of severe weather.
- A weather “warning” means hazardous conditions are extremely likely, imminent, or occurring.
- If hurricane conditions exist, move to a basement or interior room on lowest level of building.
- Avoid doors and windows, auditoriums, gyms, lecture halls, labs, and hazmat storage areas.
- Remain sheltered until given the all-clear from Emergency Management Personnel.

If there is an **EARTHQUAKE**:

- If caught inside, drop to the ground, take cover by moving under a sturdy table, and hold on until the shaking stops.
- Do not use elevators. Do not use matches, lighters, or other sources of ignition.
- If caught outdoors, remain outdoors. Move away from buildings, trees, wires, and other structures.
- Remain sheltered until given the all-clear from Emergency Management Personnel.

**SEVERE WEATHER or EARTHQUAKE**

If you encounter a **DANGEROUS** or **SUSPICIOUS PERSON**:

- Do not threaten, intimidate, or physically confront the person.
- Do not let anyone into a locked building or room. If inside, do not block the person's exit.
- If the person asks to speak to a specific College official, offer to notify Campus Safety to accommodate their request.
- If possible, move outside the person's hearing range and call Campus Safety (610-409-3333).
- Describe the person's descriptive characteristics (height, weight, race, hair color, etc.).
- If you see a weapon, call 911 immediately. When in a safe place, call Campus Safety.

If you encounter a **SUSPICIOUS ITEM** or **PACKAGE**:

- Do not touch or move the item; move away from the area and tell others to do the same.
- Call Campus Safety (610-409-3333 or x3333) and provide as much detail as possible.
- Control access to the area for the safety of others.
- Avoid contact with others if you come in direct contact with a suspicious substance.
- The following indicators may identify a threat: No return address on package; odd smell; leakage or seepage; liquid, powder, or unidentified substance; strange sounds (ticking, beeping).

**SUSPICIOUS PERSON or ITEM**

If someone around you is experiencing a **PSYCHOLOGICAL CRISIS** or is **THREATENING SUICIDE**:

- **If someone is threatening harm to themselves or others, or seems out of touch with reality**, call Campus Safety (610-409-3333 or x3333) and request to speak with the RD on Duty.
- **If someone appears to be potentially dangerous (unduly aggressive, hostile, has a weapon)**, do not attempt to handle the situation alone. Contact Campus Safety (610-409-3333 or x3333) immediately.
- **While with individual in crisis:**
  - Remain calm and provide a safe, quiet, secure place to talk.
  - Listen. Be supportive. Remind the person they are not alone.
  - Offer to call a friend and someone to help.
  - Call the Crisis Response Line (610-409-3344 or x3344) or Campus Safety (610-409-3333 or x3333) and explain that you need assistance with a person in crisis.
  - Do not leave a suicidal person alone.
- **If a student exhibits odd behavior but does not seem in immediate crisis:**
  - Check in with the student to see if all is okay.
  - Notify the VP of Student Affairs or Residence Life via phone or email. Provide as much information as possible.

**PSYCHOLOGICAL CRISIS / SUICIDE THREAT**

If you receive a **BOMB THREAT** or observe a package you believe may contain a BOMB.

- Remain calm and encourage others to do the same.
- Do not touch the object!
- Clear the area and call Campus Safety (610-409-3333 or x3333) from a land-line telephone. Do not use cell phones or radios.
- If you receive a bomb threat, attempt to ask the caller:
  1. Where is the bomb located?
  2. When will it go off?
  3. What does it look like?
  4. What kind of bomb is it?
  5. What will make it explode?
  6. Why did you place the bomb?
  7. What is your name?
- During the call, make mental or written notes on voice characteristics, manner, speech, background noise, and any other items that may assist in evaluating the call.
- As you exit the building, make a cursory inspection of your area for suspected bombs. Do not open drawers, cabinets, or turn lights on or off.
- Evacuate building through nearest exit and move at least 500 feet away from structure.
- Do not return to an evacuated building unless told to do so by a College Official or Emergency Management Personnel.

**BOMB THREAT**



In case of **HAZARDOUS MATERIAL** spill, leak or strange odors:

- Activate the building alarm.
- Call Campus Safety (610-409-3333 or x3333) and state your name, location, and information about the spill (area involved, injuries, types of chemicals, amount).
- If possible, confine fumes or fire by closing hood sash windows and doors.
- Get away from the area and keep others away.
- Do not walk through, touch, or smell any of the spilled substance.
- Try not to inhale gases, fumes, or smoke.
- Stay away from any accident victims until the hazardous material has been identified.
- Do not lock doors!
- Campus Safety will notify Environmental Health and Safety, Facilities Management, and any other specialized authorities and medical personnel.

### **WHEN WORKING WITH CHEMICALS, BE FAMILIAR WITH POTENTIAL RISKS.**

If you have been exposed to a chemical, refer to the Safety Data Sheet (SDS) for that chemical or chemical compound. Consult the hazards and first aid sections. SDS copies are maintained in the Chemistry library, in the Biology Lab Manager's Office, the Environmental Health and Safety Office, and available on-line for each manufacturer.

**HAZARDOUS MATERIAL / CHEMICAL RELEASE**

## In case of contact with **BLOOD, BODILY FLUIDS, or INFECTIOUS AGENTS:**

An exposure means a specific eye, mouth, or other mucous membrane, non-intact skin or contact exposure with blood or other potentially infectious materials.

### **IF YOU ARE EXPOSED:**

- Immediately wash affected area with antibacterial soap and running water or eye wash for 15 minutes.
- Flush mouth, nose, or eyes for 15 minutes if blood is splashed on mucous membranes.
- Notify your supervisor.  
Seek medical attention, if necessary.
- Report the incident to Environmental Health and Safety (610-409-3221 or x3221).
- Request blood testing and Hepatitis B vaccination from a panel physician.

### **UNIVERSAL PRECAUTIONS:**

Minimize your exposure by wearing gloves, splash goggles, pocket mouth-to-mouth resuscitation masks (for CPR), or other barrier devices.

### **BLOOD/BODILY FLUID SPILLS:**

- Call Facilities (610-409-3598 or x3598) if incident occurs during normal business hours.
- Call Campus Safety (610-409-3333 or x3333) if outside of normal business hours.
- Limit access to the area. Place chairs or other items around the spill area to prevent individuals from coming in contact with it.

## **ELECTRICAL POWER FAILURE:**

- Notify Campus Safety (610-409-3333 or x3333)
- If an emergency exists, activate the fire alarm.
- Unplug all equipment being used in your area – computers, printers, etc. This will assist in ensuring circuit breakers will not fail when power is restored and will protect vital equipment.
- Evacuate the building and move cautiously to a lighted area.

## **WATER LEAK:**

- Notify Campus Safety (610-409-3333 or x3333).
- If possible, turn off the water supply.
- Stop using any electrical devices in the area and remove objects, if safe to do so.

## **GAS LEAK:**

- Cease all operations. Do not switch lights or any electrical equipment on or off.
- Pull the fire alarm and evacuate to the designated assembly area.
- Notify Campus Safety (610-409-3333 or x3333).
- Do not re-enter the building or area until given permission from a College Official.

## **VENTILATION PROBLEM:**

- If smoke or noxious odors come from the ventilation system, immediately notify Campus Safety (610-409-3333 or x3333).
- Cease all operations, activate the fire alarm, and vacate the area.

## **STUCK ELEVATOR:**

- Use the emergency phone that rings directly to Campus Safety.
- Stay calm. Elevators have a failsafe condition and cannot go into free fall.
- Do not try to open elevator doors or climb out.
- Wait for assistance.

If there is an **ACTIVE SHOOTER** on campus:

- Call 911 and then Campus Safety (610-409-3333 or x3333) if possible to do so safely.
- Remain calm and encourage others to do the same.
- If possible, move away from the person as quickly and quietly as possible using the nearest exit.
- Move with hands open and elevated to show law enforcement you are not a threat.
- If you cannot safely evacuate the area, lock doors and windows, lower blinds, turn off lights.
- Stay out of sight and away from doors and windows.
- Move heavy furniture in front of the door to block entry.
- Remain quiet and turn off cell phone ringers.
- If in a group, spread out within the room and quietly discuss a plan if shooter enters. Be prepared to use all possible distraction methods (throwing objects, yelling, tackling).
- If caught outside, stay alert and take cover behind vehicles, thick walls, or trees.
- Remain in place until verified authorities give an all-clear notification.
- Follow instructions from police. Do not attempt to talk to police unless they ask you a question.

If you are involved in a **HOSTAGE SITUATION**:

- Remain calm and be patient. Time is on your side. Avoid drastic action.
- The initial 45 minutes are the most dangerous. Follow instructions, be alert, and stay alive.
- Don't speak unless spoken to and only when necessary. Speak in a calm, assertive voice.
- Maintain eye contact, if possible, but do not stare. Captor may be in an agitated state.
- Try to rest. Avoid speculating. Comply with instructions the best you can. Avoid arguments.
- Be observant. When you are released or when you escape, the personal safety of others may depend on what you remember about the situation.
- Be prepared to answer the police on the phone. Be patient.
- If medication or first aid is needed by anyone, tell the captor.

**ACTIVE SHOOTER / HOSTAGE**

## GENERAL GUIDELINES

- In an emergency, always ASK how you can help BEFORE giving assistance. Ask how he or she can best be assisted or moved, and whether there are any special considerations or items that need to come with the person.
- DO NOT use elevators unless authorized to do so by police or fire personnel. Never use elevators if there is fire or structural damage to the building.
- While it is best to follow the individual's emergency plan, in the event of an imminent life-threatening situation, do not hesitate to assist a person with a disability to evacuate a building, using whatever means possible.

## ASSISTING PEOPLE WITH DISABILITIES

### Visually Impaired

- Tell the person the nature of the emergency and offer guidance to the nearest exit.
- Have the person take your elbow and escort him/her out of the building. Advise of obstacles as you walk.
- When you reach safety, help orient the person to the location and ask if any further assistance is necessary.

### Hearing Impaired

- Alert the person that there is an emergency by using hand gestures or by turning a light switch on and off.
- Verbalize, mouth instructions, or provide the individual with a short note containing instructions.
- Offer assistance as you leave the building.

### Mobility Impaired

- Elevators should not be used for evacuation during an emergency.
- If there is no immediate danger, take the individual to a safe place to await emergency personnel.
- Whenever possible, remain with the person while another person notifies emergency personnel of the mobility impaired person's exact location.
- ONLY in situations of extreme and immediate danger should you try to evacuate a wheelchair user without assistance. This person is the best authority on how he/she can be moved. Ask before attempting to move.
- It is best to let professional emergency personnel conduct the evacuation; however, a person with a mobility impairment can be carried by two people who have interlocked their arms to form a "chair," or by carrying the person in a sturdy office chair.
- If you are unable to evacuate the person, move them to a safe stairwell landing and notify emergency responders of the individual's exact location.

The College will use one or more of the following components to issue **WARNINGS** for emergencies:

Text Message...Students, faculty, and staff who register for the alerts will receive SMS messages on their mobile phones when this system is activated. Visit [www.ursinus.edu/emergencyalerts](http://www.ursinus.edu/emergencyalerts) to sign up for SMS emergency notifications.

Voice Message Broadcast...A message will be sent to the voice mailboxes of all campus telephone extensions.

E-mail...Students, faculty, and staff will receive an e-mail message sent to Ursinus e-mail addresses.

Ursinus Web Site...The Ursinus Web site will be updated with information and instructions, as necessary and when possible.

If you are instructed to **SHELTER-IN-PLACE**:

- Move to a safe area. Close and lock doors and windows.
- Stay away from windows and out of sight.
- Instructors should verify class attendance and keep classes together.
- Remain sheltered until authorities give an all-clear notification.
- Monitor Ursinus web site, text messages, etc. if possible.
- Do NOT call Campus Safety or 911 unless you are reporting a life-threatening situation.

If you are instructed to **EVACUATE**:

- In an orderly manner, leave room and move toward the nearest exit. Close the door as you leave but do NOT lock it.
- Do not operate electrical switches and do not use cell phones, radios, electronic devices, etc.
- If time permits, turn off and unplug computers and other electrical devices.
- When outside, move away from building toward parking lots.
- Instructor should verify class attendance and keep classes together whenever possible.
- Remain outside buildings until authorities give an all-clear notification.