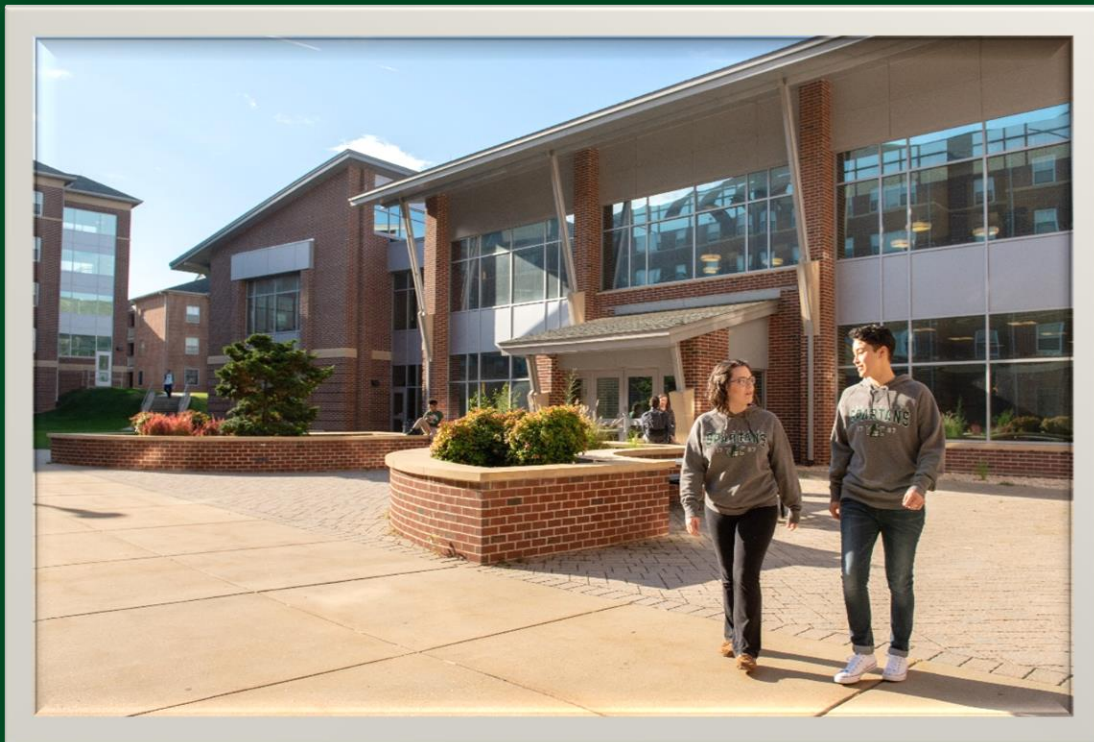




YORK COLLEGE
OF PENNSYLVANIA

2024 ANNUAL SECURITY AND ANNUAL FIRE SAFETY REPORT



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ANNUAL SECURITY REPORT, 2024

Policy for Preparing the Annual Security Report

The York College of Pennsylvania Clery Act and Title IX Compliance Committee is responsible for preparing and distributing this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and Pennsylvania Act 73, the Uniform Crime Reporting Act. Its purpose is to make public all reported campus crime for the previous three years and certain campus security policy statements.

The crime statistics in this report include those reported to the Department of Campus Safety, to college employees designated as Campus Security Authorities, to officials from the Office of Residence Life/Student Conduct, and to local law enforcement agencies including the Spring Garden Township Police, the York City Police and the Pennsylvania State Police. Campus Security Authorities reach out directly to the Department of Campus Safety when they receive a report and either complete a copy of a report form, send an email with a written description of the incident, call directly into dispatch or the office which will generate a report, or use Campus Safety's on-line crime report submission report form. Campus Security Authorities are also contacted at least annually, to request they submit any reports to the Department of Campus Safety for inclusion in the Annual Security Report. Residence Life/Student Conduct, the Title IX Office and local law enforcement are asked annually to submit a report to Campus Safety that includes all reportable crimes known to have occurred within the College's Clery Act geography. All reported crimes occurring on any property owned or controlled by the College is included with this report as well as crimes occurring on certain public property that is immediately adjacent to and accessible from the campus.

We encourage members of the York College community to use this report as a guide for safe practices on and off campus. It is available online at <https://www.ycp.edu/about-us/offices-and-departments/campus-safety/department-publications/annual-security-report/>. Each member of the College community receives an email announcement that describes the report and provides its Web address. For a paper copy, contact the Department of Campus Safety at 717-815-1403.

II. Campus Safety Policies and Information

2023 Fall Semester Student Enrollment:

Undergraduate:	Graduate:
Full-time – 2,938	Full-time – 76
Part-time – 370	Part-time – 336

Number of Students Living in College Owned or Operated Residence Facilities: 1,715

Number of Non-Student Employees: 799

Administrative Office Responsible for Security: Department of Campus Safety

College Committee Responsible for Promoting Safety Awareness:

Student/Neighbor Safety Task Force - comprised of administrators, faculty, students, community residents, and local police representatives.

Type & Number of Security Personnel

The York College Department of Campus Safety is staffed with twelve professional campus police officers, two part-time and one full-time safety services officers, an office staff and 10-15 trained student security officers. Many student officers are enrolled as criminal justice majors at YCP. Training for student officers consists of over 30 hours of classroom training, including first aid and CPR training, and approximately 40 hours of on-the-job training. Safety Services Officers receive training in traffic control, parking regulations and enforcement.

The campus police officers are full-time employees and are required to complete Pennsylvania Act 235 Certification Training. They also complete additional courses in arrest/search/seizure, criminal law and

procedure, officer safety, sexual assault response, intoxicated persons response, mental health first aid, implicit bias, Incident Command System (ICS), de-escalation, and maintain first aid/CPR/AED certification. They are also required to complete annual in-service training for legal updates, firearms training and qualification, re-certifications and other campus safety related topics.

Enforcement Authority of Security Personnel and Interagency Cooperation

The campus police officers are sworn special officers under Title 22, section 501 of the Pennsylvania Code. They have authority to make arrests while on college property and on immediately adjacent public property. Campus police officers make arrests and issue citations for summary violations of the Pennsylvania crimes code and detain suspects for suspected misdemeanor or felony crimes. Student security officers do not have authority to arrest. They do have the authority to enforce all York College rules, regulations, and policies. The Safety Services Officers do not have any powers of arrest and enforce only the College's parking regulations.

Jurisdiction of Security Personnel

The patrol and enforcement jurisdiction of the department includes any and all property owned by York College, all public roads and sidewalks immediately adjacent to college-owned property and the campus of York Country Day School.

Working Relationship with State Local Police Agencies and Written Agreements

The Department of Campus Safety has a close working relationship with the Spring Garden Township and York City Police Departments. A written agreement with the both departments exist which outlines jurisdiction, areas of responsibility and mutual cooperation. Both the York City and Spring Garden Township Police are responsible for investigating all reported misdemeanor and felony criminal offenses that occur on campus. College officers investigate summary level crimes and support the local police in their investigations of misdemeanors and felonies. The Department of Campus Safety has immediate contact with both police departments through the use the York County public safety radio system. This allows for immediate support from these agencies. The Pennsylvania State Police do not typically respond to calls on or around campus due to the coverage provided by the local and campus police, however they maintain the authority and jurisdiction to do so and work cooperatively with Campus Safety when they are involved in law enforcement activity on or around campus.

Monitoring Off Campus and Non-Campus Criminal Activity by Local Police

No written agreement exists between York College and local police to monitor off-campus or non-campus properties. When a York College student is involved in an off-campus criminal incident in the surrounding community, the York City and Spring Garden Township Police Departments may notify the Department of Campus Safety who will then forward the information to the Office of Student Conduct where it will be determined if the student will be charged with a violation of the student code of conduct. When students are victims of crime off campus, the local police may notify the Department of Campus Safety, who will notify the Dean of Student Development. A "Timely Warning" notice may be issued if appropriate. Only reported off-campus crimes occurring in reportable public property areas, as defined by the Clery Act, will be included in the Annual Security and Annual Fire Report. York College does not own or control any non-campus housing facilities used by officially recognized student organizations. The only non-campus properties owned or controlled by York College in 2023 are the Marketview Arts building on Philadelphia Street and the Center for Community Engagement on East Market Street. Both locations are in York City. The York City Police respond to criminal activity at these locations and may report criminal acts to the Department of Campus Safety.

Monitoring of Criminal Activity at Student Organization Locations

Campus officers and Residence Life staff monitor all on-campus housing facilities used by officially recognized student organizations. York College does not own or control any non-campus housing facilities used by officially recognized student organizations. There are no recognized student organizations that own or control a building or property to the knowledge of the College administration

Policy on Reporting Criminal Incidents to State & Local Police

All felony and misdemeanor offenses of the Pennsylvania Crimes Code are referred to the Spring Garden Township or York City Police Departments for investigation unless the victim informs the College that they do not wish to report the incident to the local police. York College officials will investigate and handle all summary offenses occurring on campus. College officials will assist any student who is a victim of a crime in contacting the appropriate local law enforcement agency should they desire to file a report.

REPORTING CRIMINAL OFFENSES AND OTHER EMERGENCIES AND RESPONSE TO REPORTS

In order to facilitate a comprehensive and accurate annual report and to aid in providing timely warnings notices to the community, all students, faculty, staff, and guests of York College are encouraged to report on-campus emergencies, crimes, and suspicious persons in an accurate and timely manner, when the victim of a crime elects to or is unable (physically/mentally) to make such a report, to the Department of Campus Safety by calling 717-815-1314 or 911, or when off campus, to the appropriate local police department by calling 911. You may also report on campus incidents in person at the Campus Safety Office located in the Manor Northeast lobby, Monday-Friday, 8:00 AM -5:00 PM, or by approaching an on-duty campus officer. On campus crimes and other emergencies can also be reported through the College's personal safety app called LiveSafe. For more information and instructions on how to download this free app please visit: <https://bit.ly/campussafetylivesafe>

Students who wish to make a report of sexual misconduct (rape, sexual assault, dating violence, domestic violence, stalking, sexual harassment, etc.) have the option to make a report directly to the Title IX Office by calling 717-815-1440, emailing to titleix@ycp.edu or stopping by the Title IX Office located in the Human Resources Office in Manor Northeast. Please know that the Title IX Office does not operate 24/7 and any report made outside of regular office hours, through email or phone messages, may not be reviewed until the next business day. Therefore, reports that may require a Timely Warning Notice should be made directly to the Department of Campus Safety for the fastest possible determination if a notice is required.

The Department of Campus Safety will conduct a thorough investigation of reported on-campus summary crimes, policy violations and emergencies in a timely manner when deemed appropriate. Patrol officers conduct initial investigations and may be followed up with further investigation by an assigned investigative officer. All felonies and misdemeanor offenses of the Pennsylvania Crimes Code will be reported to the appropriate local police agency unless the victim informs the College that they do not wish to report the incident to the local police. The Title IX Office has a trained investigator who will investigate incidents reported to their office and fall under the purview of Title IX.

Incident reports involving students are forwarded to the Office of Student Conduct for review and potential action by the student conduct system. York College community members will always have the option of reporting an incident to the local police agency and will be provided assistance doing so by Campus Safety officers. If any crime shows evidence of being hate related, the incident will be categorized as such. A hate crime is defined as an incident where the victim is intentionally selected because of the victims' actual or perceived race, gender, religion, sexual orientation, national origin, gender identity, ethnicity or disability.

Facilities for Reporting Criminal Actions or Other Emergencies

Any person who needs to report a criminal action or emergency should call the Department of Campus Safety at extension 1314 from a campus phone, or 717-815-1314 or if using an off-campus phone or cell phone. Campus Safety will also be dispatched to reports within its jurisdiction if a caller dials 911. Reports may also be made in person in the Campus Safety Office located in Manor Northeast. The office is open Monday-Friday from 8:00 AM to 5:00PM.

Students, staff, and faculty may download York College's free personal safety app called LiveSafe. This app, used in conjunction with a smartphone, allows one to communicate directly with the campus safety dispatcher to call for help in emergencies, report incidents or crime tips or request a safety escort. When used to report an emergency, GPS enabled smartphones allow the dispatcher to see the location of the reporting person using a computer-generated campus map. This app also contains many other useful features. For more information

about the LiveSafe app, including directions on how to download it for free to your smartphone, please go to: <https://bit.ly/campusafetylivesafe>.

Any person may also report criminal actions or suspicious behavior online through the York College Crime Incident Reporting form at <http://bit.ly/SpartansWatch>. Please know that SpartansWatch is not intended to report crimes in progress as it is not continuously monitored. Please call Campus Safety or use LiveSafe to report crimes in progress, where immediate response is needed or if a Timely Warning Notice may be warranted.

There are a number of emergency call boxes located throughout campus that can be used to contact Campus Safety as well. Most have a blue light to indicate their presence. Pushing the emergency button will automatically place a call to the Department of Campus Safety. These call boxes are inspected weekly during academic semesters and monthly during breaks, to ensure that they are operating correctly.

Local Police, Fire, and Ambulance personnel can be contacted by calling 911.

Voluntary Confidential Reporting Policy and Procedures

In cases where a student chooses to report an incident and wants to maintain confidentiality, York College of Pennsylvania does have individuals on campus that are able to maintain confidentiality regarding names and other details of an incident. Counseling Services is an available service on campus at no charge. A student can make an appointment with Counseling Services by calling 717-815-6437 or by going to the Counseling Services offices located in Codorus Hall. Health Services is also available at no charge and can be reached by calling 717-849-1615 or by going to the lower level of the Student Union- Room 117. YWCA advocates are available on campus during academic semesters and can be reached by calling 1-800-422-3204 and letting the person who answers the phone know the caller is a York College student. Students may also send an email to ycpadvocate@ywcayork.org. There is no cost for this service. The Title IX office can also assist students in connecting with a YWCA advocate. Call 717-815-1440 to reach the Title IX office or stop by the office located in the Human Resources Office in Manor Northeast. A student can also make a confidential report to College Clergy. A College Clergy member can be reached at 717-815-1446 or by going to the lower level of the Student Union, rooms 123 and 125 to make an appointment. These individuals are not obligated by law or policy to report any information to Campus Safety, the local police or any other college official. At the reporting person's request, they may inform campus safety of general information (incident type, date, time location) about the report for statistical purposes and inclusion in the Annual Security Report, but will keep all personal information confidential. Campus clergy, health services, YWCA advocates and counseling services may assist an individual in contacting campus safety, the Title IX coordinator or the local police if the reporting person would like to make an official report. Please note that if you choose to make a confidential report with these offices, the College will not be able to pursue action under the Student Code of Conduct process or action through the criminal justice system.

If you are a witness to, or victim of a crime and report the incident to Campus Safety or any other College official other than Counseling Services, YWCA advocates, Campus Clergy or Health Services, you may request confidentiality at the time of the report. These reports will be forwarded to the Department of Campus Safety (or the Title IX Office in cases of sexual and interpersonal misconduct). While these offices will attempt to honor your request, please know that confidentiality cannot be guaranteed and the college will be limited in its ability to investigate the incident and respond. If you wish that the incident not be pursued, the College will weigh this request against its responsibility to provide a safe environment for all students. Factors such as whether or not there have been prior complaints about the accused and the seriousness of the alleged incident will be considered. The victim or witness will be informed if the incident must be pursued further and/or if confidentiality cannot be ensured. Reports filed in this manner are included in the annual crime statistics for the institution and in the Daily Crime and Fire Log.

Timely Warnings

The Director of Campus Safety or a Campus Safety designee will develop Timely Warning Notices for the College to notify student and employees about Clery Act crimes that occur on campus, on non-campus properties, or in

certain locations off campus (public property within the College's Clery Act geography), where it is determined that the incident may pose a serious or continuing threat to members of the College community.

Notices are distributed in a timely manner and are intended to aid in the prevention of similar occurrences. A determination to issue a notice will be made on a case-by-case basis based on the nature of the circumstances, whether facts exist to indicate there is an ongoing or serious threat to the campus community, the timeliness of the report made to Campus Safety and whether or not the suspect has been apprehended. Timely Warning Notices are typically distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: Murder/Non-negligent Manslaughter, Robbery and major incidents of Arson. Cases of Aggravated Assault and Sexual Assaults are considered on a case-by-case basis, depending on the facts of the case and the information known by Campus Safety. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other College community members, therefore; a Timely Warning Notice would not be distributed. Sexual Assaults are considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by Campus Safety. For example, if Campus Safety is notified of a sexual assault by a campus counselor, who met with a student victim who does not wish to pursue criminal charges or campus judicial proceedings, and does not provide detailed information about the assault, no Timely Warning will be issued due to lack of specific information about the incident. However, the crime will be counted in the campus crime statistics and documented in the daily crime log. Timely Warning Notices may be distributed for other Clery crimes as determined necessary by the Director of Campus Safety or a Campus Safety designee. Names of victims are withheld from Timely Warning Notices as confidential information.

Timely Warning Notices will be issued by Campus Safety supervisors, officers or dispatchers, to all students and employees via a blast email and may be posted in MyYCP under "campus announcements." Campus Safety may also post Timely Warning Notices in campus digital signage for viewing by guests and visitors. Notices are generally written by the Director of Campus Safety or a designee. Updates to Timely Warning Notices may be posted if more information becomes available. Notices are generally posted for one week. The College is not required to issue Timely Warning Notices with respect to crimes reported to pastoral or professional counselors.

An agreement exists with local authorities to notify the campus of crimes or other events reported to them that may warrant a timely warning notice. The York College Emergency Alert siren and electronic messaging system is activated when there is a confirmed, **serious and imminent threat occurring** that poses a threat to the campus community. Not all incidents necessitating a Timely Warning Notice represent a **serious and imminent threat occurring** and therefore, the Emergency Alert System will not be activated for the purpose of a Timely Warning Notice.

The College may also use the LiveSafe personal safety app to send out "push notifications" or text messages when it becomes aware of a crime that has occurred near campus, but outside of the College's Clery Act geography. These messages provide only basic information regarding an incident. Students or employees should contact the appropriate local police department having jurisdiction over the location where the crime occurred for more information and details about the incident.

Daily Crime and Fire Log

The Department of Campus Safety maintains a Daily Crime and Fire Log that records, by the date the incident was reported, all crimes and incidents of fire that occurred on campus, in a non-campus building or property, on public property, or within the department's patrol jurisdiction.

The Daily Crime and Fire Log is available for public inspection at the department's office in the Manor Northeast lobby, on the internet at <https://bit.ly/dailyCrimeFireLog>.

The Daily Crime and Fire Log includes the report number, nature, date, time, and general location of each crime and fire reported to us, as well as the disposition of the complaint, if that is known at the time the log is created. The name of any person arrested on campus will also be included as required by state law.

The department posts incidents in the Daily Crime and Fire Log within two business days of receiving a report of an incident. We reserve the right to exclude crime report information from the log in circumstances that may compromise an investigation.

Reporting Crimes to College Officials other than Campus Safety

Although we encourage the reporting of campus criminal activity directly to the Department of Campus Safety, for the purposes of Timely Warning consideration and inclusion in the Annual Security Report, in some circumstances, individuals choose to report to other campus officials. All employees of York College of Pennsylvania, with the exception of Counseling Services employees, Health Services employees, YWCA advocates, ordained campus Clergy, are considered Campus Security Authorities for the purpose of reporting criminal incidents. Campus Security Authorities are required to report to the Department of Campus Safety all known information regarding any crime that has been reported to them, that has occurred on campus, or in certain circumstances in off campus locations. All incidents of crime and fire reported to these individuals will be investigated by the Department of Campus Safety and be included in the Annual Security and Fire Report if appropriate. Some common examples of Campus Security Authorities include Resident Assistants, Community Assistants, the Director of Residence Life, the Dean of Student Development, Area Coordinators, Resident Director, Residence Hall Desk staff, the Title IX Coordinator, athletic team coaches and trainers and faculty members.

Students wishing to make a confidential report and/or seek assistance should contact Counseling Services, Health Services, a YWCA advocate, or a member of the Campus Clergy. These individuals are not obligated by law or policy to report any information to Campus Safety, the local police or any other college official. Please see Voluntary Confidential Reporting Policy and Procedures for more information.

Confidential Advocates, Pastoral and Professional Counselor Reporting Procedures

YWCA advocates, professionally licensed counselors and ordained campus clergy are exempt from reporting requirements. York College encourages advocates, counselors and clergy, if and when they deem it appropriate, to inform those who they counsel, of the procedures for reporting crimes on a voluntary, confidential basis for inclusion in the Annual Campus Security and Fire Safety Report.

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

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

Policy Regarding Access to Institutional Facilities & Programs

The College encourages the use of campus facilities by students, faculty, staff, recognized organizations, and registered guests. Guidelines, reservation procedures, and security policies are implemented for the access and use of each institutional facility. Contact the Director of Campus and Special Events at Ext. 1257 to arrange for use of campus facilities. All programs must be approved by this office. The Director of Campus Safety will be notified of all events to address safety concerns and procedures. Officers will be assigned to events if needed.

All traditional residence halls are secured 24/7 and are accessible by residents only through the College's card access system. Campus apartments are secured with commercial grade locking hardware and signature keys. Perimeter gates secure a large portion of campus. All first-floor residence halls windows are secured with steel mesh Kane security screens. There are many surveillance cameras on campus that can be used for investigatory purposes after an incident, though not all campus property is covered. There are a number of blue-light

emergency phones on campus for students to use to report emergencies and to contact Campus Safety dispatchers. Campus is patrolled 24/7 by Campus Safety Officers.

Security Considerations Used in the Maintenance of Campus Facilities

Campus Safety Officers submit on a daily basis their shift “Daily Reports.” The Daily Reports list any discrepancies pertaining to outdoor lighting, inoperable exit doors, and other items that may affect the safety of students and employees. Any maintenance issues are then forwarded to the appropriate department for repair. Lighting surveys will be conducted by the maintenance department on an on-going basis. A qualified contractor completes an annual inspection of all campus sprinkler systems, fire systems, and fire extinguishers. Fire safety inspections are conducted each semester by Campus Safety staff and an annual inspection is conducted each summer by the local fire departments. Campus facilities personnel ensure trees and bushes are trimmed for crime prevention purposes. The campus employs its own locksmith to maintain and service all door locks and hardware.

Types of Student Housing Available

Undergraduate student housing is available. On-campus housing includes traditional residence halls, suites, apartments, and houses. Single and double rooms are available with single sex room assignments and coed by floor living arrangements. Gender inclusive assignments are available in the upperclassman apartments and suites on main and west campus.

Policies on Housing Assignments & Requests by Students for Assignment Changes

New student housing assignments are made from the information provided on the Housing Contract by the student. All attempts are made to honor their roommate, building, or individual habit preferences. Returning students select their own housing assignments each academic year. Requests for room changes are handled on an individual basis. If the necessary change is possible, it will be granted.

Policies Concerning the Identification & Admission of Visitors in Student Housing Facilities

Visitation hours – Residence halls are secured 24 hours a day. Residents may access the building by swiping their College ID card at the reader on the entrance doors. Campus apartments and college owned houses are accessed with either an assigned key or card access reader.

Visitation in student rooms is not permitted beyond the hours noted below:

Sunday - Wednesday 12 p.m. - 1 a.m.
Thursday - Saturday 12 p.m. - 2 a.m.

1. All guests must be escorted in the building by a resident. If not escorted, an official warning will be issued by a staff member.
2. Residents are responsible for the actions of their guests.
3. Excessive noise, foul language, courtesy violations, or infractions of college policies may result in referral for disciplinary action, which can result in suspension of guest privileges.

Measures to Secure Access to Student Housing Facilities

Entrance into traditional residence facilities is permitted through one set of main exterior doors that are equipped with card access readers. Only residents of a building may swipe in to access the residence. Residence desk assistants monitor this entrance and check for proper student ID as well. All other exit doors are equipped with panic hardware allowing egress only. Most of these doors are also equipped with alarms that sound upon detecting egress or entry. Students residing in on-campus apartments are responsible for securing their own exterior door. Campus apartments are secured with commercial grade locking hardware and signature keys. All first-floor residence halls windows are secured with steel mesh Kane security screens. RA’s monitor activity within the residence facilities and Campus Safety officers patrol outside 24/7. Many residence halls are equipped with cameras to monitor the entrances and elevators.

Standard Security Features Used to Secure Doors & Windows in Student’s Rooms

All traditional residence halls, suites, and on-campus apartments are equipped with commercial Sergeant door locks. All windows contain window locks. All ground level windows are equipped with fire code approved security screens. Some campus apartments are secured with card access readers.

Type & Number of Employees Residing in Student Housing Facilities

- Four Area Coordinators - full-time position trained in security procedures, safety, and crisis intervention.
- Fifty-Seven Resident Assistants - part-time, nine-month position. Trained in security procedures, safety, and crisis intervention.

Programs Designed to Inform Students about Housing Security & Enforcement Procedures

- Floor Meetings - at least once per semester to review security procedures and concerns.
- Hall Meetings - same as above.
- Student-Neighbor Safety Task Force meetings held four times a year.
- Mandatory safety presentation to all new and transfer students held during fall and spring orientation.
- Campus Safety Community Outreach Programs held throughout the year.

Procedures for Housing Students during Holidays & Vacation Periods

Students must obtain advanced written authorization to reside on campus during holidays and vacation periods. Permission is usually granted to those who fall within one of the following categories:

- International students
- Student-Athletes
- Students employed by the College
- Students involved in an academic initiative

Housing for these students is provided exclusively on campus.

Policy on the Housing of Guests

Students residing in the residential facilities are not permitted to have overnight guests. Exceptions to this policy are made for overnight athletic recruiting visits and are coordinated through the Athletic department and Residence Life department.

Missing Students Who Reside in On-Campus Housing

If a member of the College community has reason to believe that a student who resides in on-campus housing is missing, he or she should **immediately** notify the Department of Campus Safety at 717-815-1314. Campus Safety will generate a missing person report and initiate an investigation.

After investigating the missing person report, Campus Safety will notify either the Spring Garden Township or York City Police Department and the student's missing person contact no later than 24 hours after the student is determined to be missing, unless one of these agencies was the entity that made the determination that the student was missing. If the missing student is under the age of 18 and is not an emancipated individual, Campus Safety Officers or Residence Life staff members, will notify the student's parent or legal guardian immediately after Campus Safety has determined that the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student.

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify confidentially, an individual to be contacted by York College in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, Residence Life staff members will notify that individual no later than 24 hours after the student is determined to be missing. This contact information will be accessible only to authorized campus officials and will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

Students who wish to identify a confidential contact can do so by logging on to the YCP portal (<https://myapps.microsoft.com>) using their username and password. Select the icon for YCP Web, and then

from the main menu select "Personal Information". Select "Update Emergency Contacts", click on "new Contact", enter appropriate information and then click on "Submit changes". This information can be changed and/or updated by the student at any time using the procedure.

Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, the local law enforcement agency that has jurisdiction in the area will be notified that the student is missing within 24 hours.

When a student is reported missing, Campus Safety will attempt to locate the student by checking with local hospitals, York County central booking, investigate social media, contact friends, involve Residence Life staff, check door swipe history, check meal plan swipes, check camera footage and IT related resources.

Policy Regarding the Possession, Use & Sale of Alcoholic Beverages & Illegal Drugs

The York College of Pennsylvania Student Code of Conduct and employee policies strictly prohibit the unlawful possession, use, distribution of illicit drugs and alcohol by students and employees on any college property and at any campus sponsored activity. Unlawful possession sale, manufacture or distribution of any controlled substance is illegal under local, state and federal laws. Such laws are strictly enforced by the Department of Campus Safety and local law enforcement. Penalties for violations under state law are dependent upon the classification of the offense. These can range from summary offenses punishable by monetary fines and up to 90 days in prison, to felonies punishable by up to 15 years in prison and fines up to a \$250,000.

York College will impose disciplinary sanctions on students and employees, consistent with local, state and federal law, for unlawful use, possession or distribution of illicit drugs or alcohol. Students are subject to the student Code of Conduct. Students found in violation of college policies surrounding unlawful possession, use or distribution of alcohol or illicit drugs will be referred to the Office of Student Conduct for disciplinary action. Sanctions include Educational Assignments, Fines/Community Restitution, Loss of Privileges, Disciplinary Probation, eviction from College Residence Halls, Suspension, and Expulsion, depending upon the nature of the violation and/or whether or not there were previous violations. Employees are subject to Human Resources policies. Employees who violate these policies will be sanctioned based on the severity of the violation. Sanctions include written warnings, suspension or termination. Students and employees may also be referred for prosecution to the Department of Campus Safety or local law enforcement depending upon the severity of the violation.

The College prohibits the use or possession of alcohol even by those who are of legal drinking age (21 years old) on campus property with the exception of approved special events open to employees and/or guests 21 years of age and older, or students who are 21 or older living in residence halls designated as Independent Living spaces. Independent Living locations include Brockie Commons, Springettsbury House, Springettsbury Apartments, Spring Garden Apartments and Richland Hall. The goal of these communities is to provide a safe on-campus living arrangements for legal age students to remain on-campus where they may responsibly consume alcoholic beverages. Students who are 21 or older who live in these complexes will be permitted to possess and consume limited quantities of alcohol. No student or guest under 21 years of age will be permitted to possess or consume alcohol, at any time. Students and guests are expected to observe all applicable laws and College policies related to the purchase, possession and consumption of alcoholic beverages. Violations of law or College policies pertaining to alcohol subject students, guests and organizations to college disciplinary action and/or legal penalties. For more information on the Independent Living program, please contact the Residence Life Department, Ext. 1281.

The College respects the privacy of students and refrains from engaging in random searches, although inspections will be conducted when policy violations or illegal activity is suspected.

Signs which announce off-campus functions may be posted on campus but they cannot make reference to alcoholic beverages, nor should they use language which implies the use of alcoholic beverages or use of illicit drugs.

The use of illicit drugs and the abuse of alcohol carry significant social, physical, and emotional health risks. Users may suffer damage to key body organs such as the heart, liver, kidneys, and central nervous system. Drugs can kill the user, and the use of drugs and alcohol during pregnancy may cause birth defects or death of unborn babies. Drug users may experience difficulties with concentration and memory that impair learning. They can exhibit mood swings, impaired judgment, isolation, and depression, all of which can contribute to impaired driving, injuries, accidents, domestic or random violence, and sexual assault. Drugs can be instrumental in the deterioration of family units and the breakdown of friendships and other support systems.

Compliance with the Drug Free Schools and Communities Act

Please visit <https://www.ycp.edu/about-us/offices-and-departments/student-development-and-campus-life/daapp/> for information regarding York College's Drug and Alcohol Prevention Program.

Drug and Alcohol Education Programs

WHERE TO GET HELP AND INFORMATION ON CAMPUS

Student Wellness Committee – A team of campus administrators dedicated to improving the health and wellness of students by creating a campus environment supportive of safe, healthy and legal behavior. Reducing stress, promoting support resources and addressing concerns surrounding drug and alcohol abuse are the focus of this committee. The team attempts to accomplish this goal through policy review, student check-ups and promoting a variety of informational and educational programs tapping the resources available on campus and in the greater York College community. Contact: Director of Campus Recreation, Matt Kutz - Ext. 1259.

Alcohol Edu for college - A mandatory online program used for incoming students, Alcohol Edu reduces risk and positively impacts campus culture. It educates about the harmful effects of alcohol, raises retention rates, and acts as a prevention tool for alcohol-related violations. Tailored to the individual, students receive personalized feedback, self-referral tools, and pre- and post-course assessments to measure behavior change and knowledge gain.

Support Groups – Referral resources for group assistance include Adult Children of Alcoholics (ACOA) and recovering alcoholics (AA) and addicts (NA) are available at the Counseling Center. Contact: Counseling Services - Ext. 6437.

Counseling Services – Individual counseling for students on personal issues is available as well as evaluation and referral resources for the YCP community. Groups are conducted that focus on substance abuse issues. Counseling Services is located on the 1st floor of Codorus Hall. Contact: Counseling Services - Ext. 6437.

Employee Assistance Program (EAP) – A Core Benefit to all employees. The EAP provides confidential telephonic counseling to you and your immediate family to help with a range of emotional, family and alcohol/drug related problems. The plan also provides up to 3 face to face counseling sessions per incident per calendar year. All services are completely confidential; The College will have no knowledge of who accesses the plan. Please call 1-888-293-6948 for assistance.

Student-Athlete Advisory Committee

The mission of the York College of Pennsylvania Student-Athlete Advisory Committee is to enhance the overall YCP student-athlete experience. The representatives who serve on this committee serve as a communication link between our athletic conference, SAAC, and their respective sports team(s). The Spartan representatives have an understanding of and are mentored on the NCAA legislation and issues that are currently present in Division III athletics. These student-athletes serve as a representative of every student-athlete at York College, and their charge is to have every student-athletes' voice heard on the institutional and conference level. The student-athletes who serve on this committee are role models to all, and look to foster and promote good sportsmanship, healthy choices and a commitment to the one's "total self", all while maintaining the tenants of the Division III philosophy. Contact: Athletics, (717) 815-1780.

Alcohol Awareness and Prevention Days

Alcohol awareness and prevention programs occur throughout the school year; however National Collegiate Alcohol Awareness Week is recognized during the third week in October. This week allows York College to focus on the importance of overall health and wellness as well as the importance of awareness education around the issue of alcohol use and misuse. A variety of campus organizations as well as the Counseling Center, Student Activities Office, and Office of Residence Life participate in coordinating social and educational activities for students during this week. Contact: Director of Residence Life, (717) 815-1468.

Emergency Response Procedures

York College's Emergency Procedures Guide contains information about how campus community members should respond during various potential campus emergencies. The College also has a comprehensive all hazards Emergency Operations Plan (EOP). Certain campus facilities and departments such as the Grumbacher Sport and Fitness Center and the Schmidt Library also have specific emergency plans for their buildings. The College conducts annual emergency evacuation drills in residence halls, at least one emergency exercise drill each year and tests the York College Emergency Alert System at least once each semester. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Test announcements are sent to all members of the campus community and contain links to the campus emergency procedures and emergency alert procedures.

Campus Safety officers and supervisors have received training in the Incident Command System and in responding to critical incidents on campus. When serious incidents occur that cause an immediate threat to the campus, the first responders to the scene are usually Campus Safety Officers, the Spring Garden Township Police, The York City Police, York Area United Fire and Rescue and the York City Fire Department. They typically respond and work together to manage the incident. Depending on the nature of the incident, other York College departments and other local, state or federal agencies could also be involved in responding to the incident.

York College has a Crisis Policy team comprised of administrators in key positions from across campus that is responsible for executive-level decisions that impact the college operations. The Crisis Policy Team will plan and prioritize the long-term recovery efforts following a disaster.

All members of the York College community are reminded that they are required to notify the Department of Campus Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Call 717-815-1314 or 911. Campus Safety has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, Campus Safety has a responsibility to respond to such incidents to confirm and determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

Evacuation Procedures

It is the policy of York College of Pennsylvania, that in the event of an emergency, which would require the evacuation of a York College of Pennsylvania building, the following procedures will be utilized to ensure all students and college staff exit the building in a safe, orderly and expeditious manner.

Building evacuations will occur when a fire alarm sounds, in the event of another emergency, and/or upon notification by the Department of Campus Safety.

- When the building evacuation alarm is activated, leave by the nearest marked exit and alert others to do the same.
- Assist those with disabilities if able and if asked.
- Do NOT use the elevators
- Once outside, move at least 300 feet away from the building.
- If your facility has a predetermined assembly place (listed below), go there; otherwise keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel.

- DO NOT return to an evacuated building until told to do so by Campus Safety or official in charge.

Facility Evacuation Assembly Locations

Facility	Assembly Area
Appell Life Sciences Center	Front of Schmidt Library
Kings Mill Depot	Parking lot on east side of the building
Civil Engineering Center	Field across Kings Mill Road
Marketview Arts	Sidewalk across the street
Center for Community Engagement	Sidewalk across the street
Willman Business Center	Front of Schmidt Library
Campbell Hall	Mall Area (Fountain)
Waldner Performing Arts Center	Mall Area (Fountain)
Naylor ESB/Appell Horticulture (Downstairs)	West end of the lower parking lot
Naylor ESB/Appell Horticulture (Upstairs)	Back of Life Sciences Bldg.
Grantley Hall	Athletic Fields
Grumbacher Sport & Fitness Center (GSFC)	Athletic Fields
Humanities Center	Mall Area (Fountain)
Kinsley Engineering Center	East corner of the east parking lot
Diehl Hall	Athletic Fields
Miller Administration Building	Student Union Patio
Schmidt Library	Mall Area (Fountain)
Iosue Student Union	Tennis Courts
Wolf Hall	Wolf Hall Lawn

Assembly Locations for Residence Halls

MAIN CAMPUS	
Facility	Assembly Area
Chapel	Softball Field
Codorus Hall	Lot 6, Lower Parking Lot
Evergreen Halls	Lot 5, Lower Parking Lot
Laurel Hall	Lot 5, Lower Parking Lot
Manor East	Lawn Area by Tennis Courts
Manor North	Lawn Area by Tennis Courts
Manor Northeast	Lawn Area by Tennis Courts
Manor South	Lawn Area by Tennis Courts
Manor West	Lawn Area by Tennis Courts
Newberry House	Back Lawn of Beard Hall
Penn Hall	Lot 5, Lower Parking Lot
Pershing House	Lot 7, Lower Parking Lot
Springettsbury Apartments	Sidewalk along Springettsbury Ave.
Springettsbury Hall	Sidewalk along Springettsbury Ave.
Susquehanna Hall	Lot 6, Lower Parking Lot

Tyler Run 360 & 380	Jackson Street Lot
Tyler Run III	Commuter Parking Plaza
Willow Hall	Lot 5, Lower Parking Lot
Northside Commons	Mall area south of Northside Commons

RESIDENT HOUSES	
Building	Assembly Area
Arnold House	Side Faculty Lot
Curry House	Wolf Hall Parking Lot
Keiffer House	Wolf Hall Parking Lot
Newberry House	Lawn area behind the house
Wenger House	Campbell Hall Back parking area

WEST CAMPUS	
Building	Assembly Area
Brockie Commons	Quad Courtyard
Little Run Lodge	Quad Courtyard
Richland Hall	Quad Courtyard
Spring Garden Apartments	Quad Courtyard

If an alert or notification is issued to evacuate the area of the Athletic Fields, all in attendance should calmly and carefully make their way to the nearest exit and if told to do so, move to one of the evacuation shelter buildings. The alert will be made using the public address announcement system and/or using one or more of the YCP emergency communication systems.

If the alert is weather-based (i.e., tornado warning), it is recommended for attendees to shelter in place in one of the nearby campus buildings such as the Grumbacher Sports and Fitness Center. During evacuation, all Campus Safety and Grumbacher event staff available will assist in the orderly evacuation into the temporary shelter of the campus buildings. It is highly advised that those evacuating do not seek refuge in their automobiles or under some other temporary shelter.

Once an all-clear notification or message is broadcasted or provided by the event staff, all persons may return to their desired activities.

The following procedures will be utilized in both instances of a planned, and/or emergency evacuation:

- Notification of the need to evacuate all or part of the campus grounds will be made using YCP Alert or other emergency notification system(s). All persons (students, faculty, staff and visitors) are to immediately evacuate the area of campus or the entire campus as directed. If necessary, evacuees will be directed to designated campus assembly point(s).
- If a portion of the campus needs to be evacuated, the specific buildings and areas will be designated in the Emergency Message. People should evacuate the buildings and grounds in that area and move to another area of campus outside the evacuation zone. The safe areas (campus area/buildings) to evacuate to will also be designated in the Emergency Message.
- If the entire campus needs to be evacuated, this will also be announced in the Emergency Message. If possible, off-campus evacuation sites for people to move to will also be designated in the Emergency Message.

When the emergency situation has been controlled or eliminated and the portion of campus or entire campus can be safely reoccupied, this will be announced using YCP Alert or other emergency notification system(s). People should then return to campus and campus buildings. Normal or modified campus activities will be announced.

Shelter-In-Place Procedures:

To shelter-in-place inside a building – remain in the building and move away from windows. Get to the lowest possible level of the building. If outside, move into the closest and safest building. Monitor communications for further instructions and updates. Close all windows and turn off ventilation systems if advised to do so.

If your building needs to be evacuated and you need to move to another building:

- Follow the directions announced in the emergency communication message and move to the designated building or evacuation site.
- Move quickly in a safe and orderly fashion to the evacuation shelter.
- Remain at the shelter until you are told you may return to your building, or that you may leave.

Evacuation to a Facility Located on Campus:

If a campus building needs to be evacuated, temporary shelter can be obtained at the following on-campus buildings:

- Grumbacher Sports and Fitness Center – M & T Field House
- Grumbacher Sports and Fitness Center – Wolf Gymnasium
- West Campus Community Center
- Waldner Performing Arts Center – Auditorium
- Wolf Hall – Demeester Theatre
- Willman Business Center – Weinstock Lecture Hall
- Iosue Student Union Building

If these evacuation shelters are not available, or already used, other off-campus sites will be used as temporary shelters. On campus shelters will be used first. Emergency communication will be used to announce that the building is being evacuated and where to go for temporary shelter. All persons (students, faculty, and staff) are to immediately evacuate the area in question and relocate to the temporary shelter as directed.

If possible, ahead of the evacuation, food, water, cots, internet access, and other amenities will be set up before the evacuees arrive. If not, these services and supplies will be brought to the shelter. Campus Police will provide security for the evacuees at the temporary shelter location. Only authorized people may enter the temporary shelter.

Notification of an Immediate Threat

If the Department of Campus Safety confirms that there is an emergency or dangerous situation occurring that poses an immediate threat to the health or safety of some or all members of the YCP community, Campus Safety will determine the content of an emergency message and will use some or all of the systems described below to immediately communicate the threat to the YCP community or the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. Campus Safety 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 Campus Safety, Spring Garden or York City Police, York City or York Area United Fire and Rescue or other appropriate local emergency response agency), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Campus Safety will determine how much information is appropriate to disseminate to the College community or appropriate segment of the community and determine

the content of updates as information becomes available. York College has communicated with local police and other emergency response agencies and has requested their cooperation in informing the institution about situations reported to them that may warrant an emergency alert.

When attempting to confirm a reported threat or emergency, campus safety will have responding officers report their observations, use available technology such as CCTV cameras and alarm systems, attempt to obtain information from local first responders, or utilizes resources such as the National Weather Service.

In the event of a serious incident that poses an immediate threat to members of the YCP community, the College has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat occurring to the campus community. These methods of communication include the YCP Emergency Alert system which utilizes text messaging, emails, and phone call messaging (for more information or to sign up for service go to [\(Campus Safety Resources | Emergency Alert\)](#) and the LiveSafe App which is capable of sending text messages and push notifications (<https://bit.ly/campussafetylivesafe>). Campus Safety has the authority to initiate alerts upon confirmation of immediate threats to campus without having to wait for approval from the College administration. All Campus Police Officers, Dispatchers and administrative staff have the ability to activate the emergency alert system when officers in the field have determined it is necessary to do so. While most alert messages are pre-recorded and campus safety needs only to select the proper message to be sent, all campus police officers, dispatchers and administrative staff have the ability to generate customized messages if needed. College network emails, web page and portal postings and posting of notification flyers may also be used to alert the community.

The College will post follow up information when available during a critical incident by using any or all of the above methods. An "All Clear" message will be sent out through the systems described above to alert the community that the emergency has passed and that students and employees may resume routine activity, though some restrictions may be necessary (e.g., a building to remain closed), and will be communicated.

The College will also disseminate emergency information to the larger community using social media, the York College website, and through LiveSafe and the Emergency Alert System. Parents are eligible to sign up for LiveSafe notifications and students may add family members phone numbers into the emergency alert system contacts so that they can receive text, email and phone messages.

Testing Emergency Response and Evacuation Procedures

An evacuation drill is coordinated by Campus Safety each semester for all residential facilities. The College also conducts an annual test (also containing drills and exercises) of the Emergency Operations Plan. Thus, the emergency response and evacuation procedures are tested at least twice each year. Students learn the location 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. Campus Safety does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Campus Safety and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purposes of evacuation drills are to prepare building occupants for an organized evacuation in case of fire or another emergency. At YCP, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. In addition to educating the occupants of each building 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 Campus Safety and the Residence Life staff to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. A description of each exercise, the time and date, and whether it was announced or

unannounced will be documented in the report. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation procedures during their first weekend on campus at the freshman safety orientation conducted by Campus Safety. Residence Life staff will also discuss evacuation procedures during their first-floor meeting with residents. The Resident Assistants are trained in these procedures as well and act as an on-going resource for the students living in residential facilities. York College will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

CCTV Surveillance

The college operates a security camera network in the common areas of several buildings as well as a number of exterior locations. The purpose of these cameras are to enhance public safety. They are for investigative purposes only and are not continuously monitored by campus safety personnel. Camera data is recorded and archived for a limited period of time. This data may be reviewed to obtain evidence in the event a crime, campus violation or other incident has occurred.

Campus Information Center

The Campus Information Center (CIC), located in the Iosue Student Union room 201, was established to provide the college community with assistance in locating and utilizing college services. The staff in the center consists of trained dispatchers who are part of the Campus Safety Department. Aside from providing information to the campus community, the staff of the CIC can provide students, faculty, staff, and visitors with parking permits and related information; information pertaining to events occurring on campus and can assist in making reservations for college fleet vehicles and other related tasks. The information center also houses the campus switchboard. Calls to the switchboard and campus safety lines are recorded for training and customer service purposes. The Campus Information Center is open seven days a week, 7:00 AM to midnight. The dispatch services provided by the CIC operate 24 hours a day, 365 days a year.

Policy Regarding the Possession & Use of Firearms and Other Weapons

York College is a private institution and prohibits all students, faculty, staff, administrators and guests to possess or use firearms on its property, even by those who possess a valid concealed carry or other permit. An exception to this policy may be made with prior approval by the Director of Campus Safety, for faculty and students taking part in authorized college classes where the presence of a firearm serves a legitimate academic purpose, such as a criminal investigation class or a living history demonstration. Sworn law enforcement officers, including the College's Campus Police Officers, may carry their approved service weapons on campus. Officers should be in uniform or carry their law enforcement identification. Retired law enforcement officers certified under LEOSA and carrying their credentials may also carry their firearm on campus.

Other prohibited weapons include, but are not limited to: Firearm ammunition, bombs, grenades, explosive devices, fireworks, blackjacks, metal knuckles, large or illegal knives, daggers, swords, stun guns, Tasers, batons or clubs, paintball or pellet guns and other harmful instruments and devices. Pepper spray canisters are not prohibited on campus. Campus Police Officers are authorized to carry firearms, Tasers, pepper spray and MEB batons as defensive equipment once they have completed the proper training and State certification. York College student security officers are not permitted to possess any prohibited weapon. Any questions regarding whether or not an item is prohibited or any other questions about the campus weapons policy should be directed to the Campus Safety at Ext. 1403.

Policy Regarding Students or Employees with Criminal Records

York College's employment application inquiries about past criminal convictions. Background checks are conducted on all applicants. Persons that may pose a risk to York College students and employees may be denied employment. Students applying for admission are asked if they have any felony criminal convictions. Those applicants who indicate that they have been convicted of a felony or other violent crime may be denied

admission to the College. Failure to list a conviction may be grounds for expulsion. All members of the Department of Campus Safety are required to pass a criminal history and background investigation.

Security Awareness Programming

By October 1st of each year the Annual Security and Fire Report is made available to the campus community. This includes campus crime and fire statistics for the previous three years, campus security policies, information about the Department of Campus Safety, emergency procedures, crime prevention tips and fire safety. Other safety and informational pamphlets on various topics are made available outside the Campus Safety office.

Freshmen are required to complete a mandatory alcohol education program on-line before reporting to campus for the fall semester. Freshman students also receive a mandatory introductory safety and security presentation on the first weekend of their arrival. The presentation is provided by members of the Department of Campus Safety and educates students about active shooter procedures, evacuation procedures, common crimes that occur on campus and in the surrounding community, campus safety resources, emergency communication and basic crime prevention tips.

Each month, throughout the course of the academic year, Campus Safety officers conduct programs on alcohol abuse and drug prevention, bike safety, sexual assault prevention and other security awareness topics. These programs are open to all students and employees.

Crime Prevention Programming

During the course of the semester, crime prevention programs are offered to all campus community members. At least once each semester a RAD (Rape Aggression Defense) training class is held. For information on dates and locations for these classes, look for announcements made on the college web portal and through email, or contact the Department of Campus Safety. York College participates in Operation Identification where students may register their property with the Department of Campus Safety and have it engraved with identifying markings. Students may also register their bike as part of the National Bike Registry on line at www.nationalbikeregistry.com. During Campus Safety sponsored programs such as "Campus Night Out" and "Coffee with Cop" (both offered once a semester), information is presented to students about campus escort policies, how to report suspicious activity, encouraging the limiting of alcohol consumptions and physical security reminders about locking doors and closing windows in residences and vehicles parked on campus.

Students and staff are encouraged to participate in safety seminars to develop good personal safety practices and procedures and be responsible for their own security and the security of others. Safety information is posted on Campus Safety's digital sign outside of the office in Manor Northeast.

Violence Against Women Act (VAWA) Reauthorization

Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault or Stalking Occurs

A reporting person is encouraged initiate a complaint of domestic violence, dating violence, sexual assault or stalking through the college's Title IX Office. Reports may also be made to any Responsible Employee. As a matter of College policy, all College employees with the exception of those working in Health Services, Counseling Services and Campus Clergy are responsible for reporting to the Title IX Coordinator any allegations that they receive suggesting that a violation of the Sexual Misconduct policy has occurred.

The Title IX Coordinator will review all reports of Sexual Assault, Dating Violence, Domestic Violence or Stalking and determine which campus disciplinary process, (Title IX, Student Conduct, Employee Conduct) if any, will be used to address the complaint. The circumstances of the report, including the information known such as the location of the alleged incident and who is involved, will be used to determine which process is applicable. The procedures below will be applied to any report of sexual assault, dating violence, domestic violence and stalking, regardless of the disciplinary process used.

Involvement of Campus and/or Local Law Enforcement

Reporting persons have the option of proceeding with criminal prosecution with the assistance local and/or campus law enforcement. They may choose to pursue action through both the College and legal system at the same time. A reporting person also has the option to decline reporting to law enforcement.

In a situation where the person accused of sexual and/or interpersonal misconduct is not a member of the York College community, the reporting person is only able to pursue charges through the legal system with law enforcement assistance. York College will assist the survivor in contacting the appropriate law enforcement agencies when requested.

In cases where a reporting person chooses to pursue legal action through criminal charges and through the College's procedures, York College shall not wait for the conclusion of a criminal investigation or criminal proceeding to begin a College investigation. When a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, whether the offense occurred on or off campus, the procedures below will be followed:

Sexual Assault:

1. The College will assess the immediate safety needs of the reporting person and strongly encourage them to preserve any and all evidence.
2. Depending on when reported (immediate vs. delayed report), the College will provide the reporting person with access to medical care.
3. The College will assist the reporting person with contacting the local police if they request AND the reporting person will be provided with contact information for the local police department.
4. The College will provide referrals to on and off campus mental health providers.
5. The College will assess the need to implement interim or long-term protective measures, such as housing changes, change in class schedule, "No-Contact" directive between both parties.
6. The College will provide a "Notification against Trespass" directive to the responding person if deemed appropriate.
7. The College will provide written instructions on how to apply for a protective order.
8. The College will provide a copy of college policies pertaining to sexual misconduct to the reporting person and inform them of timeframes for inquiry, investigation and resolution.
9. The College will inform the reporting person of the outcome of the investigation, whether or not the responding person will be administratively charged and what the outcome of the hearing is.
10. The College will address any retaliatory behavior through the Student Code of Conduct or Employee disciplinary procedures and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

Stalking:

1. The College will assess immediate safety needs of reporting person and strongly encourage them to preserve any and all evidence.
2. The College will assist the reporting person with contacting local police if they request AND the reporting person will be provided with contact information for the local police department.
3. The College will provide written instructions on how to apply for a protective order.
4. The College will provide written information to the reporting person on how to preserve evidence.
5. The College will assess the need to implement interim or long-term protective measures to protect the reporting person, if appropriate.
6. The College will provide a "Notification against Trespass" directive to the responding party if deemed appropriate.
7. The College will provide a copy of college policies pertaining to sexual misconduct to the reporting person and inform them of timeframes for inquiry, investigation and resolution.

Dating Violence:

1. The College will assess immediate safety needs of reporting person and strongly encourage them to preserve any and all evidence.
2. The College will assist the reporting person with contacting the local police if they request AND the reporting person will be provided with contact information for the local police department.
3. The College will provide written instructions on how to apply for a protective order.
4. The College will provide written information to the reporting person on how to preserve evidence.
5. The College will assess the need to implement interim or long-term protective measures to protect the reporting person, if appropriate.
6. The College will provide a "Notification against Trespass" directive to the responding party if deemed appropriate.
7. The College will provide a copy of college policies pertaining to sexual misconduct to the reporting person and inform them of timeframes for inquiry, investigation and resolution.

The complete Student Code of Conduct can be found at: <https://www.ycp.edu/about-us/offices-and-departments/student-development-and-campus-life/student-conduct/>

In cases where a student or employee chooses to report an incident to York College of Pennsylvania, yet requests no action or further investigation, the College will work to reasonably respect the reporting person's wishes. However, in certain circumstances, the College may need to take action in cases where a reporting person requests that no further action be taken. These circumstances include, but are not limited to:

- Circumstances that suggest there is an increased risk of the responding person committing additional acts of sexual and/or interpersonal misconduct or other violence (i.e. whether there have been other complaints about the same responding person, whether the responding person has a history of arrests or records from a prior school indicating a history of violence, whether the responding person threatened further violence against the reporting person or other students, and whether the sexual misconduct was committed by multiple violators).
- Circumstances that suggest there is an increased risk of future acts of sexual and/or interpersonal misconduct under similar circumstances [i.e., whether the student's report reveals a pattern of behavior (i.e., via illicit use of drugs or alcohol) at a given location or by a particular group].
- Whether the act of sexual and/or interpersonal misconduct was committed with a weapon;
- The age of student involved in the act of sexual and/or interpersonal misconduct; and
- Whether the school possesses other means to obtain relevant evidence (i.e., security cameras or personnel, or other types of physical evidence).

When a reporting person requests that no action or further investigation be made regarding a report of sexual and/or Interpersonal Violence the student or employee will need to sign a form entitled "Acknowledgement Form." This form verifies a reporting person's request to not participate in an on-campus investigation, to not testify or participate during the Title IX, Student Conduct or Employee process, verify that the reporting person has been provided information regarding emotional and physical support (i.e., counseling services, survivor's advocacy, medical care, etc.), and notice that a reporting person may change their decision to file an official report at any time. A student's or employee's request for confidentiality in cases of sexual and interpersonal misconduct will be reviewed utilizing the above outlined circumstances by the Title IX Coordinator and/or the Director of Campus Safety.

In cases where a student or employee chooses to report an incident and wants to maintain confidentiality, York College of Pennsylvania does have individuals on campus that are able to maintain confidentiality regarding

names and other details of an incident. Counseling Services is an available service on campus at no charge. A student can make an appointment with Counseling Services by calling 717-815-6437 or by going to the Counseling Offices at Codorus Hall. Health Services is also available at no charge and can be reached by calling 717-849-1615 or by going to the lower level of the Student Union- Room 117. YWCA advocates are available on campus during academic semesters and can be reached by calling 1-800-422-3204 and letting the person who answers the phone know the caller is a York College student. Students may also contact them by email at ycpadvocate@ywcayork.org. There is no cost for this service. The Title IX office can also assist students or employees in connecting with a YWCA advocate. Call 717-815-1440 to reach the Title IX office or stop by the office located in the Human Resources Office in Manor Northeast.

A student can also make a confidential report to College Clergy. A College Clergy member can be reached at 717.815.1446 or by going to the lower level of the Student Union, rooms 123 and 125 and make an appointment. These individuals are not obligated by law or policy to report any information to Campus Safety, the local police or any other college official. At the reporting person's request, they may inform campus safety of general information (incident type, date, time location) about the report for statistical purposes, but will keep all personal information confidential. Campus clergy, health services and counseling services may assist an individual in contacting campus safety, the Title IX coordinator or the local police if the reporting person would like to make an official report. Please note that if you choose to make a confidential report with these offices, the College will not be able to pursue action under the Title IX or Student Code of Conduct process.

York College of Pennsylvania works to respect the privacy of all students and employees. In cases of alleged violations of the Sexual Misconduct Policy, to the extent of the reporting person's cooperation and consent, College offices, including the Office of Student Development, Office of Student Conduct, Office of Residence Life, Department of Campus Safety, Health Services, and Counseling Services, and Office of Academic Services will work cooperatively to ensure that the reporting person's health, physical safety, work, and academic status are protected, pending the outcome of the College formal investigation of the complaint. Personal identifiable information about the reporting person will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the reporting person.

Compliance with these provisions does not constitute a violation of section 444 of the General Educational Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

In compliance with section 400029(a)(20) of the Violence Against Women Act of 1994 (42U.S.C. 13925(a)(20)), the College does not publish the names or other personally identifying information about the victim in publicly available recordkeeping, including Clery Act reporting and disclosures.

Medical Assistance, Preserving Evidence and other Campus and Local Resources

Regardless of whether a reporting person elects to make a report to the Title IX Office, the Department of Campus Safety or local police, the College will assist the reporting person by providing them with a written explanation of their rights. This notification will also include information about counseling, health services, mental health services, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available on and off campus, as well as available assistance in changing academic, living, transportation, parking, and working situations if the requested changes are reasonably available.

After an incident of sexual and /or interpersonal misconduct, the reporting person should consider seeking medical attention as soon as possible and attempt to preserve any physical evidence that may be present. The reporting person can receive medical care at:

York Hospital
1001 S George St
York, PA 17403
717-851-2345

The hospital has the facilities and expertise to conduct medical-legal examinations at no charge. Seeking medical attention is important so that the reporting person receives proper assessment and treatment of any physical injuries sustained in an act of sexual violence and/or interpersonal misconduct. This step is also necessary to gather information and preserve evidence for the case even if the person reporting prefers to not prosecute criminally. The reporting person has the right to report the incident to local law enforcement, (York City Police Department or Spring Garden Police Department), to the York College Department of Campus Safety and/or the College Title IX Coordinator, or to report to both local and campus authorities. College officials will assist the reporting person in making contact with the appropriate local law enforcement agency. The reporting person may also choose to seek support services and not pursue action through either the legal system or the campus student code of conduct. The reporting person is under no obligation to report an incident of sexual or interpersonal misconduct. The reporting person may and can change his/her mind at any time and choose to make a report.

- In Pennsylvania, evidence of an act listed under the York College Sexual and Interpersonal Misconduct Policy may be collected even if you choose not to make a report to law enforcement.
- It is important that a person reporting sexual and/or interpersonal misconduct, specifically in the circumstances of sexual assault, not bathe, douche, smoke, change clothing, or clean the bed/linen/area where the incident took place if the offense occurred within the past 96 hours so that evidence can be preserved.
- If the reporting person does not opt for a forensic evidence collection, the health care providers can assist in treating injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease and offer local resources for emotional support.
- Although they cannot perform medical-legal or forensic exams, York College Health Services can provide general medical assistance and consultation. A student can make an office appointment free of charge.

York College Health Services
717-815-1615
Student Union building – lower level

- Persons reporting domestic violence, stalking, or dating violence are encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents that would be helpful to the College investigation and/or Student Conduct process.
- A student who has reported of an act of sexual and/or interpersonal misconduct is encouraged to seek confidential, emotional support services available at no charge at the campus Counseling Services Office.

Counseling Services at York College: 717-815-6437

Clergy at York College: 717-815-1446

- The YWCA in York operates a Victim Services center that is located off campus and provides legal advocacy and support services, information and referral, individual and group therapy and legal options counseling.

YWCA Victim Services Center: 717-854-3131 or 1-800-422-3204

- In the local community, The Pennsylvania Coalition against Rape can offer resources of support and guidance to persons reporting sexual violence.

The Pennsylvania Coalition Against Rape: 1-888-772-7227

York College of Pennsylvania works diligently to create a safe and comfortable environment for all persons on campus. Unfortunately, acts of sexual and/or interpersonal misconduct could be committed by a member of our

college community, including an YCP faculty or staff member, student, or outside person who comes onto campus. York College strives to protect all students from all forms of violence and encourages any person who is a survivor of an act of sexual and/or interpersonal misconduct to file an official report immediately. In order to report an incident involving sexual and/or interpersonal misconduct including sexual harassment, sexual assault, domestic violence, dating violence, stalking, please contact any of the following:

College Title IX Coordinator
Vicki Stewart
717-815-1440
titleix@ycp.edu
Human Resources Office – Manor Northeast

Department of Campus Safety
717-815-1314
campussafety@ycp.edu
Manor Northeast

These offices will assist students and employees by providing them information regarding support resources found on or off campus, including working with local law enforcement agencies (if applicable). All investigations made regarding an official report will be completed with the utmost of professionalism and respect. Investigations into a report of a violation of Title IX, the Student Code of Conduct or Employee policies can be expected to be prompt, fair, honest, and impartial. The Department of Campus Safety will assist any reporting person with notifying local police if they so desire. Notice: When filing a criminal complaint with the local police, a reporting person has the right to file a report simultaneously with the College Title IX Coordinator. The Title IX Coordinator is the individual assigned as the official contact for Title IX complaints at the York College of Pennsylvania. The local law enforcement agencies that assist the College are the York City Police Department and Spring Garden Township Police Department. A student or employee can choose to report to these agencies directly at:

York City Police Department
50 West King Street
York, PA 17401
Phone: 717-846-1234

Spring Garden Township Police Department
340 Tri Hill Road
York, PA 17403
Phone: 717-843-0851

For campus community members that need assistance with visa and immigration services, The Pennsylvania Immigration Resource Center is located locally and can be contacted by phone, fax, Email or in person at their office.

Pennsylvania Immigration Resource Center (PIRC)
294 Pleasant Acres Rd., Ste. 202, York PA, 17402
Phone: 717-600-8099
Fax: 717-600-804
Email: info@pirclaw.org

For those students who need assistance with financial aid issues, please contact the York College Financial Aid Office:

York College Financial Aid Office
Miller Administration Building, Room 138
Monday-Friday, 8:00 a.m.-5:00 p.m.
Phone: 717-849-1682

Email: financialaid@ycp.edu

York College does not provide any legal services to our students or employees.

Safety Planning for Reporting Persons

In cases where a student or employee chooses to report an incident of sexual and/or interpersonal misconduct to York College of Pennsylvania, the Title IX Coordinator, the Department of Campus Safety and all other applicable offices will meet with the reporting person to develop a Safety Action Plan to provide protective measures if they are reasonably available, regardless of whether the victim chooses to report the crime to law enforcement. A Safety Action plan strives to make the complainant more comfortable within reasonable expectation and availability when traveling around the local and campus community while the Student Conduct and/or legal process moves through its different stages. The Safety Action Plan will include compliance with any legal orders of protection issued by a recognized legal entity (i.e., court system). This action plan will require the Department of Campus Safety, the Title IX Coordinator, the reporting person, and other York College Offices (i.e., Office of Residence Life, Office of the Provost, Division of Student Success, etc.) to collaborate, discuss and provide in writing, resources and accommodations including, but not limited to:

- Escorts
- Special Parking and Transportation Arrangements
- Academic accommodations
- Changing Residence Hall Assignment (if a residential student)
- Modification of work schedules and other special arrangements for campus employment situations
- Creating a “No Contact Directive” or issuing a Notification Against Trespass Order when appropriate

The College will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Protection from Abuse Orders

York College complies with Pennsylvania law in recognizing protection from abuse orders. In Pennsylvania, a protection from abuse order is a civil order that provides protection from harm by family or household members, sexual or intimate partners or persons who you have a child in common with. If you are an adult (person 18 or over) or emancipated minor, you can seek legal protection from acts of domestic abuse done to you or your minor child by a family or household member, which includes: Your husband or ex-husband, your wife or ex-wife, A person who lives or lived with you as a spouse, your brother or sister, your parent or child, A family member related to you by blood or marriage, a current or former sexual or intimate partner; and someone you have a child in common with. You can apply for a protection from abuse order against a current or former same-sex partner. Minors (a person under the age of 18), will need a parent, adult household member or guardian ad litem to file the protection from abuse order on your behalf. You will not be required to pay any fees when you file a petition for a protection from abuse order. If you are granted a PFA, the judge may require the defendant to pay all the fees of filing and service as well as an additional \$100, which goes towards enforcement of domestic violence laws. You do not need a lawyer to file for a protection from abuse order, but it is generally better to have one if you can, especially if the abuser has an attorney. The prothonotary, or courthouse official in charge of records, should also be able to give you some forms and information. Please keep in mind that courthouse officials and domestic violence advocates who are not lawyers cannot give you legal advice or represent you in court.

The Sexual Violence Victim Protection Act went into effect on July 1, 2015. This law offers victims an additional option with the creation of Sexual Violence Protection Orders. A Sexual Violence Protection Order (SVPO) is designed to protect victims of sexual violence from further abuse and/or intimidation by their abuser, regardless of whether or not criminal charges have been filed against the perpetrator. Similar in many ways to a Protection from Abuse Order (PFA), the key difference lies in the relationship between the abuser and the victim. While

PFA's require an intimate or household relationship between the two parties, a SVPO does not and is available to victims of sexual violence who are at continued risk of harm from their perpetrator. SVPOs offer civil protection to any victim of sexual violence who is at risk of further harm by the perpetrator. Parents or guardians may seek SVPOs on behalf of minor children. Protections can be extended to other designated persons who are also shown to be at risk of harm. SVPOs prohibit an offender from having any contact with the victim. Protections can include preventing the offender from entering a victim's home, workplace, or school. SVPO protection can also be expanded to prevent intimidation/contact from a third party on behalf of the offender or to extend protection to related parties, such as parents, siblings, or children of the victim. Other appropriate relief also may be granted, depending on the circumstances of the sexual assault. SVPOs offer protection for up to 36 months. There is no cost associated to file for a SVPO. (Information adapted from Pennsylvania Coalition against Rape)

You can file your petition for a protection from abuse order or sexual violence protection order with the Court of Common Pleas in York County:

York County Judicial Center
45 North George Street
York, Pennsylvania
(717)771-9956

Remember to bring some form of identification (a driver's license or a picture I.D.) with you to court. You may also want to call the courthouse in advance (if you can) to see if there are certain times that petitions are presented to the judge. If you come after the scheduled time-slots, your petition may be referred to a magisterial judge for an emergency order and then you would have to return to courthouse the next day to file for the temporary PFA order. If you need to file for an order immediately and the county courthouse is closed, call 911 to speak to the appropriate local police department to see which magisterial district judge is on-call. S/he may be able to grant you an emergency order that will last until the next business day when you must go to the judicial center to file for a protection from abuse order. Any person who obtains an order of protection should provide a copy to the Department of Campus Safety to further discuss a Safety Action Plan.

For more information, contact:

The York County District Attorney's Office
Victim/Witness Coordinator
45 North George Street
York, PA 17401
717.771.9600
www.yorkda.com

College No Contact Directives

The College may work with students or employees to assign a no-contact directive when appropriate. A no-contact directive may be assigned as a protective measure, in order to facilitate any College inquiry into an incident, or be assigned as a sanction. Generally, no-contact is defined as having no direct or indirect contact between two or more people at any time. This includes, but is not limited to, communication that is considered written, electronic, verbal, or physical. Written and electronic communication is understood to include all electronic means of communication; including but not limited to, e-mail, instant messaging, social networking sites, text messaging, etc. Verbal communication is understood to include phone calls, voicemails, etc. A no-contact directive may include additional restrictions and terms. No contact directives can be requested through the Department of Campus Safety, the Office of Student Conduct and the Title IX Office. No contact directives can only be arranged between members of the York College community (student and employees) and are enforced by the Department of Campus Safety through use of the Student Code of Conduct and Employee conduct policies.

Assistance for Responding Person(s) of Sexual and/or Interpersonal Violence

Our local resources for the accused include:

1. York College Counseling Services, 717-815-6437, Codorus Hall
2. York College Clergy 717-815-6524, Student Union rm. 123
3. Commonwealth Clinical Group, 717-747-3158, www.ccgtherapy.com
4. TRIAD Treatment Specialists, Inc., 717-718-8158, www.triadtreatment.com

York College and Pennsylvania Definitions of Consent

York College defines consent as a knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. To be valid, consent must be knowing, voluntary, active, present, and ongoing. Consent must also be clear and unambiguous, expressed in mutually understandable words or actions. Individuals should keep the following principles in mind:

- Consent may be expressed verbally or nonverbally.
- Consent may be withdrawn at any time.
- An individual may consent to certain sexual activities, but not others.
- The College will consider all of the circumstances of the relationship between the parties when determining whether consent has occurred. But the fact that an individual has previously engaged in consensual sexual activities does not mean that all future sexual activities qualify as consensual.
- A person who is incapacitated is unable to consent to sexual activity.

The state of Pennsylvania defines Ineffective Consent as (Pa 18 CS §311 (c): Ineffective consent — unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

- it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
- it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
- it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Sex Discrimination Policy (“Title IX”) **Non-Discrimination Notice**

York College of Pennsylvania (“York College”) does not discriminate on the basis of sex and prohibits sex discrimination in all education programs or activities that the College operates—including admission and employment—as required by Title IX of the Educational Amendments Act of 1973 (“Title IX”) and its implementing regulations.

Inquiries about Title IX may be referred to the College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. York College's Title IX Coordinator is Vicki Stewart, whose office is located in the Human Resources Office in Manor Northeast. She can be contacted via email at titleix@ycp.edu. The Title IX Coordinator can also be contacted by phone (717.815.1287, internal extension 1287).

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the College's Sex Discrimination Policy, which can be found on the College's Title IX website: <https://www.ycp.edu/about-us/offices-and-departments/human-resources/title-ix/>.

Grievance Procedures for Complaints of Sex Discrimination

York College has adopted the following grievance procedures that provide for prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the College's education programs or activities, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Definitions

The following definitions apply to the use of these terms in this policy:

College: Means York College of Pennsylvania ("York College").

- Student: means a person who has gained admission to the College.
- Faculty Member: Any individual hired by the College to conduct teaching activities or whom the College otherwise considers a member of the faculty. For the purpose of this policy, the term "faculty" does not include any individual who would qualify for the definition of a student.
- College official: Includes any individual employed by the College, performing assigned administrative or professional responsibilities.
- College property: Includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the College (including adjacent streets and sidewalks).
- Complainant: An individual alleged to be the victim of conduct that could constitute sex discrimination, as that term is defined in this policy.
- Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination.
- Complaint: An oral or written request to the College that can be objectively understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX or the Title IX regulations.
- Sex discrimination: Discrimination on the basis of sex under the College's education programs or activities, which causes more than a minimal level of harm. As stated above, the College prohibits sex discrimination in all of its education programs or activities. Sex discrimination prohibited by the College

includes discrimination on the basis of gender, sex stereotypes, sex characteristics, pregnancy or related conditions, parental or marital status, sexual orientation, or gender identity.¹

- Pregnancy-or related conditions: Means (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, or lactation.
- Under the College’s education programs or activities: York College’s prohibition against sex discrimination applies to all sex discrimination occurring under the College’s education programs or activities in the United States. Conduct that occurs “under the College’s education programs or activities” includes, (1) all conduct that occurs on campus or on any other College property or other property owned, controlled, managed, or used by the College, (2) conduct occurring in any building owned or controlled by a student organization that is officially recognized by the College, and (3) conduct that is subject to the College’s disciplinary authority. Conduct may be covered by this policy even when some conduct alleged to be contributing to a hostile environment occurred outside the College’s education programs or activities, provided that the conduct that did not occur under the College’s education programs or activities contributes to an alleged sex-based hostile environment under the College’s education programs or activities.
- Sex-based harassment: A form of sex discrimination, which means sexual harassment and other harassment on the basis of sex (including harassment on the basis of pregnancy or related conditions, sexual orientation, and gender identity) if it is “*quid pro quo* harassment,” “hostile environment harassment,” “sexual assault,” “dating violence,” and “stalking,” as those terms are defined in this policy.
- Quid pro quo harassment: A College employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College’s education programs or activities, explicitly or implicitly conditions the provision of such an aid, benefit, or service on the individual’s participation in unwelcome sexual conduct.
- Hostile environment harassment: Unwelcome conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the College’s education programs or activities. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant’s ability to access the College’s education programs or activities;
 - The type, frequency, or duration of the conduct;
 - The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the College’s education program or activity.
- Sexual assault:
 - Any anal or vaginal penetration of another against that person’s will or without that person’s consent;

¹ For more information regarding the College’s prohibition on gender identity discrimination, please consult Shared Governance Policy 507, *Gender Acknowledgement and Accommodations*.

- Any oral penetration of another by a sexual organ against that person's will or without that person's consent;
 - Any insertion of another's genitals into another's mouth, anus, or vagina against that person's will or without that person's consent;
 - Any attempt to make or the making of physical contact with another for the purpose of sexual gratification, against that person's will or without that person's consent; or
 - The use of physical force, coercion, intentional impairment, or threat of harm to commit any of these acts.
- Coercion: Occurs when a sexual initiator engages in sexually pressuring or oppressive behavior that causes the behavior's target to engage in unwanted sexual behavior.
- Domestic violence: A felony or misdemeanor crime committed by a person who,
 - Is a current or former spouse or intimate partner of the victim under Pennsylvania's family or domestic violence laws;
 - Is similarly situated to a spouse of the victim;
 - Shares a child in common with the victim;
 - Is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
 - Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction where the actions take place.
- 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; and
 - Whether such relationship existed must be determined by taking into consideration the following factors:
 - The relationship's length;
 - The relationship's type; and
 - The frequency of interaction between the persons involved in the relationship.
- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to,
 - Fear for his or her safety or the safety of others; or
 - Suffer substantial emotional distress.

Examples of conduct qualifying as stalking include,

- Following a person without proper authority, under circumstances that a reasonable person would believe demonstrate an intention to cause physical harm or emotional distress to the person being followed; and
 - Repeatedly communicating with a person under circumstances that a reasonable recipient of such communications would believe demonstrate an intention to cause physical harm or emotional distress to the recipient of such communications.
- Retaliation: Intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide an aid, benefit, or service under the College's education programs or activities, for the purpose of interfering with any right or privilege secured by Title IX or provided by this policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation,

proceeding, or hearing regarding sex discrimination allegations, which includes participation in this policy's grievance procedures and informal resolution process.

- Supportive measures: Non-disciplinary, non-punitive individualized services offered—as appropriate, and if reasonably available, and without fee or charge— to the complainant or respondent before or after a complaint has been received by the College or if no complaint has been filed. Such measures are designed to restore or preserve equal access to the College's education programs or activities and to provide support during the grievance procedures described in this policy. "Supportive measures" may include the following:
 - Counseling services;
 - Deadline extensions or other course-related adjustments;
 - Modifications of schedules for work, class, or extracurricular or other activity, regardless of whether there is or is not a comparable alternative;
 - Campus escort services;
 - Restrictions on contact applied to one or more parties;
 - Changes in working conditions;
 - Changes in housing;
 - Leaves of absence;
 - Increased security and monitoring of certain campus areas;
 - Training and education programs related to sex-based harassment; and
 - Other similar measures.

These same supportive measures are available for complaints alleging sex-based harassment, regardless of whether or not a student is involved.

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating effective implementation of supportive measures.

- Title IX Coordinator: The College official responsible for coordinating implementation and compliance with this policy and Title IX. Currently, the College's Title IX Coordinator is:

Vicki Stewart
Title IX Coordinator
Manor Northeast
441 Country Club Road
York, PA 17403
Email: titleix@ycp.edu
Office: 717.815.1440.

The Title IX Coordinator, any Deputy Title IX Coordinators, and the Title IX Investigator are all permitted to serve as the investigator for allegations of violation of this policy. The Title IX Coordinator, however, also has the authority to delegate such tasks, including to the College's legal counsel, when the College deems that necessary and appropriate. Likewise, if the Title IX Coordinator has a conflict of interest or prohibited bias in a particular matter, then the College may appoint an Interim Deputy Title IX Coordinator for that particular matter. In that situation, all references to the Title IX Coordinator in this policy refer to the Interim Deputy Title IX Coordinator with respect to the particular matter for which the Interim Deputy Title IX Coordinator has been appointed.

The College will provide the Title IX Coordinator's contact information to all applicants for admission or employment, and to all students and employees.

- **Confidential employees:** Means the following. First, an employee of the College whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies. Second, an employee whom the College has designated as confidential under this policy for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services. Third, a College employee who is conducting an Institutional Review Board-approved human-subjects study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study. The following classes of College employees are considered "confidential employees" for the purposes of this policy: Health Services; Counseling Services; and Spiritual Life.
- **Adjudicator:** The person responsible for making the decision regarding whether the complainant is responsible or not responsible for violating the College's prohibition against sex discrimination. The Title IX Coordinator may serve as the adjudicator and the adjudicator may be the same person who investigates the allegation, unless the Title IX Coordinator or investigator has a prohibited conflict of interest or bias that would prevent him/her/them from serving in an impartial manner. The Title IX Coordinator may also appoint another person to serve as the adjudicator or investigator, including an attorney for the College, provided that (1) such person has received the training to serve as a decisionmaker as required under the U.S. Department of Education's Title IX regulations, and (2) the selected person does not have a conflict of interest or bias that would prevent him/her/them from serving in an impartial manner.
- **Disciplinary Sanction or Remedy:** Requirements imposed on a respondent found responsible for violating the College's prohibition against sex discrimination. Any such sanction or remedy imposed through the grievance procedures must be designed to restore or preserve the complainant's equal access to the College's education programs or activities and may include supportive measures. The scope of permissible sanctions or remedies are discussed later in this policy.
- **Appeal Board:** The group of College officials selected, trained, and designated by the Title IX Coordinator to hear and decide appeals from decisions made by the adjudicator regarding complaints involving allegations of sex-based harassment involving a student. Each Appeal Board will have three members. The Title IX Coordinator shall not serve as a member of the Appeal Board, nor shall the investigator or the adjudicator.
- **Informal Resolution Officer:** Means the person appointed by the Title IX Coordinator to facilitate the informal resolution process. Any person designated as an informal resolution officer must be appropriately trained regarding the informal resolution process's rules and practices, how to serve impartially, including by avoiding conflicts of interest and bias. Likewise, no person may serve as an informal resolution officer if that person has a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- **Preponderance of the Evidence:** Evidence demonstrating that it is more likely than not that a violation of the College's prohibition on sex discrimination has occurred. The College will apply the preponderance of the evidence standard when evaluating whether a violation of the College's prohibition on sex discrimination has occurred.

- Advisor: A person who assists a student or employee who is a party to a grievance procedure regarding allegations of sex-based harassment involving a student. Both the complainant and the respondent are entitled to be accompanied and assisted by an advisor during any investigation or meeting regarding allegations of sex-based harassment involving a student. Advisors, however, are not permitted to speak directly on behalf of a party during any meeting conducted pursuant to this policy. Subject to the restrictions listed in this section below, the advisor may be anyone who the party believes will help him/her/them during the investigation, and appeal of allegations of sex-based harassment involving a student. By having an advisor accompany a party to a meeting conducted under this policy, that party is authorizing the College to disclose that party's FERPA-protected information² to the selected advisor for the purposes of this policy. Parties may select an attorney as an advisor. The parties, however, must provide advanced notice to the Title IX Coordinator regarding the participation of any attorney-advisor. That way, the College will be able to determine whether to have its own legal counsel participate in any investigation or meeting during which one or more of the parties have opted to use an attorney as their advisor. The party's selected advisor must abide by the rules of any meeting set by the investigator, informal resolution officer, or adjudicator. The Title IX Coordinator may prohibit an advisor from participating in any aspect of the grievance process under this policy if the advisor fails or has failed to comply with the Rules of Decorum or the restrictions on advisor participation, as judged by the Title IX Coordinator. Likewise, the Title IX Coordinator may impose additional requirements on the participation of an advisor whom the Title IX Coordinator determines has violated the Rules of Decorum, provided such requirements are designed to ensure compliance with the Rules of Decorum. Likewise, an adjudicator or informal resolution officer may order the removal of an advisor during the course of any meeting conducted by the adjudicator or informal resolution officer in accordance with this policy upon a finding that the advisor has failed to comply with the Rules of Decorum. The College will not provide an advisor for any party who does not have an advisor. The parties are responsible for obtaining their own advisors.

- A. The following individuals may not serve as an advisor:
- The Title IX Coordinator;
 - Any investigator who has assisted the College in investigating the complaint at issue;
 - Any informal resolution officer who has assisted the College during the grievance process related to the complaint at issue;
 - Legal counsel for the College;
 - Any witness who provides information during the grievance process related to the complaint at issue;
 - Any support person for any party to the complaint at issue;
 - The adjudicator for the complaint at issue;
 - Members of the Appeal Board (for complaints regarding allegations of sex-based harassment involving a student); and
 - Any other individual whom the Title IX Coordinator, the adjudicator, the informal resolution officer, or Appeal Board determines has a conflict of interest or bias.

² “FERPA” is the Family Educational and Privacy Act, 20 U.S.C. § 1232g.

- Support Person: A person, other than an advisor, whose presence provides support to a party throughout the Title IX process. Complainants and respondents are entitled to be accompanied by one support person of their choosing in meetings and other proceedings related to the investigation and grievance procedures. Witnesses are not entitled to be accompanied by a support person, although the investigator or adjudicator may permit a witness to be accompanied by a support person upon a showing of good cause. By way of examples, the support person may be a family member, a friend, a faculty member, a staff member, or an attorney. The following may not serve as a support person: the Title IX Coordinator; the investigator; the adjudicator; or any other individual who the adjudicator or investigator determines has a conflict of interest. A support person may do any of the following: provide emotional support and reassurance throughout the grievance procedures; observe meetings; assist with clarifying the grievance procedures; take notes; and quietly prompt or advise a party to request a break in the proceedings when necessary. A support person must understand and maintain the privacy of the parties and witnesses as much as possible and will be required to execute a non-disclosure agreement as a condition of their participation in the grievance procedures. A support person may not engage in any of the following conduct: make a presentation on behalf of a party or otherwise represent a party's interest during the grievance process, including by questioning witnesses; speak for a party or answer questions on a party's behalf; advocate for a party or a party's interest; or obstruct or distract from the grievance process. Support persons must also comply with the Rules of Decorum.

- Consent: A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity. To be valid, consent must be knowing, voluntary, active, present, and ongoing. Consent must also be clear and unambiguous, expressed in mutually understandable words or actions. Individuals should keep the following principles in mind:
 - Consent may be expressed verbally or nonverbally.
 - Consent may be withdrawn at any time.
 - An individual may consent to certain sexual activities, but not others.
 - The College will consider all relevant circumstances of the relationship between the parties when determining whether consent has occurred. But the fact that an individual has previously engaged in consensual sexual activities does not mean that all future sexual activities automatically qualify as consensual.
 - A person who is incapacitated is unable to consent to sexual activity.

- Incapacity, incapacitated, and incapacitation: These terms refer to a person who is unable to consent to sexual activity. Individuals are unable to consent to sexual activity if they are mentally incapacitated, cognitively limited, unconscious, or incapacitated due to the use of alcohol or other drugs. Likewise, an individual may be incapacitated due to the person's age. For example, individuals who are under the age of 14 are unable to consent to sexual activity under any circumstances. Similarly, individuals who are ages 14 and 15 are unable to consent to sexual activities with individuals who are at least four years older than they are. When alcohol is involved, incapacitation is a state beyond drunkenness or mere intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs affect each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide consent, the College will consider whether a sober and reasonable person in the same circumstances would have known that the other party could or could not consent to sexual activity.

SEXUAL MISCONDUCT POLICY AND GRIEVANCE PROCEDURE

I. Policy's Purpose

York College of Pennsylvania strives to eliminate sexual discrimination on campus and otherwise in its education program and activities. The College also strives to prevent the occurrence of sex discrimination and to address its effects. This policy describes how to report sexual misconduct allegations, how to file a formal complaint of sexual misconduct, how the College responds to allegations of sexual misconduct, and the College's prompt, fair and equitable response to complaints in accordance with Title IX of the Education Amendments of 1972 ("Title IX")³.

This purpose of this policy is to ensure compliance with the provisions of Title IX, the Violence Against Women Reauthorization Act of 2013 ("VAWA")⁴ and related Campus SaVE Act provisions ("Campus SaVE").⁵ Sexual harassment and sexual violence are forms of sex discrimination prohibited by Title IX. Title IX also prohibits retaliation against individuals for making or participating in complaints of sex discrimination.

This policy provides information regarding the College's response to allegations of sexual misconduct, including descriptions of prohibited conduct, the process for resolving complaints, and possible remedies and sanctions. Inquiries about Title IX may be referred to the College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. York College's Title IX Coordinator is Vicki Stewart, whose office is located in the Human Resources Office in Manor Northeast. She can be contacted via email at titleix@ycp.edu. The Title IX Coordinator can also be contacted by phone (717.815.1440, internal extension 1440).

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the College's Sex Discrimination Policy, which can be found on the College's Title IX website: <https://www.ycp.edu/about-us/offices-and-departments/human-resources/title-ix/>.

II. Definitions

The following definitions apply to the use of these terms in this policy:

- A. College: means York College of Pennsylvania.
- B. Student: Includes,
 - 1. An individual taking courses at the College as a student (in either full time or part time status, undergraduate, graduate, or professional studies programs), as well as those participating in non-credit or off campus programs;
 - 2. Any individual who is not enrolled for a particular term but who has a continuing relationship with the College; and
 - 3. Students who have been notified that they have been accepted for admission and have paid a tuition deposit.
- C. Faculty Member: Any individual hired by the College to conduct teaching activities or whom the College otherwise considers a member of the faculty. For the purpose of this policy, the term

³ 20 U.S.C. § 1681 *et seq.*

⁴ 34 U.S.C. § 12291.

⁵ 20 U.S.C. § 1092.

“faculty” does not include any individual who would qualify as a “student” under the definition of that term in this policy.

- D. College official: Includes any individual employed by the College, or other staff member performing assigned administrative or professional responsibilities.
- E. Member of the College community: Includes any individual who is a student, faculty member, College official, any other person employed by the College, any member of the College’s Board of Trustees, or anyone who is participating or attempting to participate in the College’s education programs or activities.
- F. College property: Includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the College (including adjacent streets and sidewalks).
- G. Complainant: An individual alleged to be the victim of conduct that could constitute “sexual misconduct,” as that term is defined in this policy.
- H. Formal complaint: A document filed by a complainant or signed by the College’s Title IX Coordinator alleging sexual misconduct against a respondent and requesting that the College investigate the allegation of sexual misconduct. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College’s education programs or activities. The Title IX Coordinator may not be considered a “complainant” under this policy, even in those situations when the Title IX Coordinator signs the formal complaint.
- I. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute “sexual misconduct,” as that term is defined in this policy.
- J. Sexual misconduct: Discrimination on the basis of sex that takes the form of sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, and sex-based stalking.
- K. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:
 - 1. A College employee conditions the provision of aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct;
 - 2. Unwelcome conduct that a reasonable person would consider to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education programs or activities; or
 - 3. “Sexual assault,” “domestic violence,” “dating violence,” or “stalking” as defined in this policy.
- L. Sexual assault:
 - 1. Any intentional anal or vaginal penetration of another against that person’s will or without that person’s consent;
 - 2. Any intentional oral penetration of another by a sexual organ against that person’s will or without that person’s consent;
 - 3. Any insertion of one’s genitals into another’s mouth, anus, or vagina against that person’s will or without that person’s consent;

4. Any attempt to make or the making of physical contact with another for the purpose of sexual gratification, against that person's will or without that person's consent; or
 5. Any touching of a person's sexual organs without that person's consent and for any improper purpose;
 6. The use of physical force, coercion, intentional impairment, or threat of harm to commit any of these acts.
- M. Coercion: Occurs when a sexual initiator engages in sexually pressuring or oppressive behavior that causes the behavior's target to engage in unwanted sexual behavior.
- N. Domestic violence: An act of violence committed against an individual,
1. By a current or former spouse or intimate partner of that individual;
 2. By a person with whom the alleged victim shares a child in common;
 3. By a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner;
 4. By a person similarly situated to a spouse under the domestic or family violence law of the jurisdiction in which the act of violence allegedly occurred; or
 5. By any other person against the alleged victim, if the relationship is such that the alleged victim is protected from that person's acts under Pennsylvania law regarding domestic or family violence.
- O. Dating violence: An act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. Whether such a relationship existed must be determined by taking into consideration the relationship's length, type, and frequency of interaction between the persons involved in the relationship.
- P. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
1. Fear for his or her safety or the safety of others; or
 2. Suffer substantial emotional distress.
 - (a) Examples of conduct qualifying as stalking include the following:
 - (i) Following a person without proper authority, under circumstances that a reasonable person would believe demonstrate an intention to cause physical harm or emotional distress to the person being followed; and
 - (ii) Repeatedly communicating with a person under circumstances that a reasonable recipient of such communications would believe demonstrate an intention to cause physical harm or emotional distress to the recipient of such communications.
- Q. Retaliation: Intimidation, threats, coercion, or other materially adverse action against a person for the purpose of interfering with any right or privilege provided by this policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to

participate in any manner in an investigation, proceeding, or hearing regarding sexual misconduct allegations.

R. Supportive measures: Non-disciplinary, non-punitive individualized services offered—as appropriate, and if reasonably available, and without fee or charge—to the complainant or respondent before or after the filing of a formal complaint or if no formal complaint has been filed. Such measures are designed to restore or preserve equal access to York College of Pennsylvania’s education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or to deter sexual harassment. “Supportive measures” may include the following:

- Counseling services;
- Changes to room assignments;
- Deadline extensions or other course-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in working conditions;
- Leaves of absence;
- Increased security and monitoring of certain campus areas; and
- Other similar measures.

York College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality does not impair the College’s ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating effective implementation of supportive measures.

S. Title IX Coordinator: The College official responsible for coordinating implementation and compliance with this policy and Title IX. Currently, the College’s Title IX Coordinator is:

Vicki Stewart,
Manor Northeast
441 Country Club Road
MNE 100
York, PA 17403
Email: titleix@ycp.edu
Office: 717.815.1440

T. Hearing: A formal hearing before the Sexual Conduct Hearing Board. Such a hearing must comply with Part X.C of this policy.

U. Sexual Conduct Hearing Board or the Hearing Board: The group of College officials selected, trained, and designated by the Vice President of Student Life to hear and decide allegations that

a student or employee has violated the College's Sexual Misconduct Policy. Each Sexual Conduct Hearing Board panel will have three members. The Title IX Coordinator shall not serve as a member of the Sexual Conduct Hearing Board. The Sexual Conduct Hearing Board will decide whether an accused individual is responsible for violating this policy and, if so, what remedy to impose as a result. No person may serve on the Sexual Conduct Hearing Board if that person has a conflict of interest.

- V. Sanction: Requirements imposed by the Sexual Conduct Hearing Board on a respondent found responsible for violations of the College's Sexual Misconduct Policy. The scope of permissible sanctions is discussed at Part X.F of this policy.
- W. Appeal Board: The group of College officials selected, trained, and designated by the Title IX Coordinator to hear and decide appeals from decisions made by the Sexual Conduct Hearing Board. Each Appeal Board will have three members. The Title IX Coordinator shall not serve as a member of the Appeal Board. No member of the Sexual Conduct Hearing Board may serve as a member of the Appeal Board for that matter. No person may serve on an Appeal Board if that person has a conflict of interest.
- X. Preponderance of the evidence: Evidence demonstrating that it is more likely than not that a violation of the Sexual Misconduct Policy has occurred. The College will apply the preponderance of the evidence standard when evaluating whether a violation of the Sexual Misconduct Policy has occurred.
- Y. Advisor: A person who assists a student or employee who is a party to an investigation or hearing regarding allegations that the Sexual Misconduct Policy has been violated. Both the complainant and the respondent are entitled to be accompanied and assisted by an advisor during any investigation or hearing regarding allegations that the Sexual Misconduct Policy has been violated. If the complainant or respondent does not have an advisor to assist during a hearing, the College will provide an advisor, free of charge. A party needing the College to provide an advisor to assist the party during the live hearing must notify the Title IX Coordinator within three days of the release of the directly-related evidence.⁶ Subject to the restrictions listed in this section below, the advisor may be anyone who the party believes will help him/her during the investigation, hearing, and appeal of allegations that the Sexual Misconduct Policy has been violated. The complainant and the respondent must notify the Title IX Coordinator of the name, phone number, and email address of their selected advisor and, if applicable, must agree to permit disclosure of the party's FERPA-protected information⁷ for the purposes of this policy. Parties may select an attorney as an advisor. The selected advisor must comply with the rules of decorum established by the Title IX Coordinator. The Title IX Coordinator may prohibit an advisor from participating in any aspect of the grievance process under this policy if the advisor fails or has failed to comply with the rules of decorum, as judged by the Title IX Coordinator. Likewise, the Title IX Coordinator may impose additional requirements on the participation of an advisor whom the Title IX Coordinator determines has violated the Rules of Decorum, provided such requirements are designed to ensure compliance with the Rules of Decorum during a live hearing. But only the Hearing Officer has the authority to order removal of an advisor during the course of a live hearing.

1. The following individuals may not serve as an advisor:
 - (a) The Title IX Coordinator;

⁶ See Part X.A.7.

⁷ "FERPA" is the Family Educational and Privacy Act, 20 U.S.C. § 1232g.

- (b) Any investigator who has assisted the College in investigating the formal complaint at issue;
- (c) Legal counsel for the College or any party;
- (d) Any witness who provides information during the grievance process;
- (e) The Support Person for any party;
- (f) Any advisor to any other party at the hearing; and
- (g) Any other individual who the Hearing Officer determines has a conflict of interest.

Z. Consent: A knowing and voluntary agreement to engage in specific activity at the time of the activity. To be valid, consent must be knowing, voluntary, active, present, and ongoing. Consent must also be clear and unambiguous, expressed in mutually understandable words or actions. Individuals should keep the following principles in mind:

- Consent may be expressed verbally or nonverbally.
- Consent may be withdrawn at any time.
- An individual may consent to certain sexual activities, but not others.
- The College will consider all of the circumstances of the relationship between the parties when determining whether consent has occurred. But the fact that an individual has previously engaged in consensual sexual activities does not mean that all future sexual activities qualify as consensual.
- A person who is incapacitated is unable to consent to sexual activity.

AA. Incapacity, incapacitated, and incapacitation: Refer to a person who is unable to consent to sexual activity. Individuals are unable to consent to sexual activities if they are mentally incapacitated, cognitively limited, unconscious, or incapacitated due to the use of alcohol or other drugs. Likewise, an individual may be incapacitated due to the person's age. For example, individuals who are under the age of 14 are unable to consent to sexual activity under any circumstances. Similarly, individuals who are ages 14 and 15 are unable to consent to sexual activities with individuals who are at least four years older than they are. When alcohol is involved, incapacitation is a state beyond drunkenness or mere intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs affect each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide consent, York College of Pennsylvania will consider whether a sober and reasonable person in the same circumstances would have known that the other party could or could not consent to sexual activity.

BB. Responsible College Employee: The Title IX Coordinator, the College President, the Provost, the Chief Financial Officer, Vice President of Enrollment Management, the Vice President of Campus Operations, the Vice President of Development, the Chief Information Officer, the Vice President of Student Life, the Assistant Provost of Student Success, any dean of any academic

school at the College,⁸ the Assistant Dean of Athletics and Recreation, the Director of Residence Life, the Director of Human Resources, the Director of Campus Safety, the Campus Safety Sergeant, the Campus Safety Lieutenant, Campus Safety Police Officers, the Campus Safety Office Manager, the Dispatcher Supervisor, and Dispatchers.

CC. Support Person: A “Support Person” is someone other than an advisor whose presence provides support to a party throughout the Title IX process. Complainants and Respondents are entitled to be accompanied by one Support Person of their choosing in meetings and proceedings related to the investigation and grievance process, including hearings. By way of examples, this Support Person can be a family member, a friend, a faculty member, a staff member, or an attorney. A Support Person may,

1. Provide emotional support and reassurance throughout the grievance process;
2. Observe meetings, assist with clarifying the process, and take notes;
3. Quietly prompt or advise a party, including requesting a break when needed; and
4. Understand and maintain the privacy of the parties and witnesses as much as possible.
 - (i) A Support Person, however, may not,
 5. Make a presentation on behalf of a party or otherwise represent a party’s interests during the grievance process, including by questioning witnesses;
 6. Speak for a party or answer questions on a party’s behalf;
 7. Advocate for a party or a party’s interests; or
 8. Obstruct or distract from the grievance process.
 - (a) The following individuals may not serve as a Support Person:
 - (i) The Title IX coordinator;
 - (ii) Any investigator who has assisted the College in investigating the formal complaint at issue; and
 - (iii) Any other individual who the Hearing Officer determines has a conflict of interest.

III. Prohibited Conduct

- A. The College prohibits any individual from engaging in sexual misconduct, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking.
- B. The College prohibits any individual from retaliating against any individual for making a report, filing a formal complaint, testifying, assisting, participating, or refusing to participate in any manner in an investigation, proceeding, or hearing regarding allegations of sexual misconduct.

⁸ The following are the current academic schools at the College: the Center for Community Engagement; the School of the Arts, Communication and Global Studies; the Kinsley School of Engineering, Sciences and Technology; the School of Nursing and Health Professions; the School of Behavioral Sciences and Education; and the Graham School of Business.

1. Prohibited retaliation may include threatening to or actually filing charges against an individual alleging non-sexual misconduct violations that arise out of the same facts or circumstances as a report or complaint of alleged sexual misconduct, if such actions are undertaken to punish a person for exercising his/her rights under this policy or Title IX.
 2. Nothing in this policy prohibits the College from taking disciplinary action against any individual for a materially false statement made in bad faith in a formal complaint or during an investigation, hearing, or appeal concerning allegations of violations of this policy.
 - (a) A determination of responsibility or non-responsibility alone, however, is not sufficient to conclude that a party made a false statement in bad faith.
 3. Allegations of violation of Part III.B are subject to the same grievance procedure as allegations of sexual misconduct under this policy.
 4. The exercise of rights protected under the First Amendment to the United States Constitution does not constitute prohibited retaliation under Part III.B of this policy.
- C. Any party to an informal resolution process under this policy must comply with the terms of any written agreement entered into by the parties during the informal resolution process.⁹ A party's violation of such an agreement constitutes a violation of the College's Sexual Misconduct Policy and Grievance Procedure and potentially other College policies.

IV. Scope of Sexual Misconduct Policy's Application

- A. This policy's prohibitions apply to conduct that occurs in the College's educational programs or activities. To occur "in the College's educational programs or activities," the conduct must satisfy one of the following criteria:
1. The conduct occurred on campus or on other property owned, controlled, used, or managed by the College;
 2. The conduct occurred in any building owned or controlled by a student organization that is officially recognized by the College; or
 3. The conduct occurred in any other location, event, or circumstance over which the College exercised substantial control over both the respondent and the context in which the conduct is alleged to have occurred.
- B. Conduct that occurs off-campus or online is covered under this policy if the conduct meets the definition of Part IV.A.3 of this policy.
- C. This policy's prohibitions of sexual misconduct and retaliation apply only if the person alleged to be the victim of such conduct was located within the United States when the alleged conduct occurred.
- D. If the conduct in question occurred in the College's educational program or activities, this policy's prohibition of sexual misconduct applies regardless of whether the conduct in question is directed at a member of the College community or someone outside the College community, such as a visitor, guest, vendor, or contractor.

⁹ See Part IX below.

- E. Nothing in this policy prevents the College from taking disciplinary action against an individual under other College policies, provided that the conduct—if proven—would fall outside the scope of prohibited conduct under this policy.

V. Presumption of Non-Responsibility

A person accused of violating the Sexual Misconduct Policy is presumed to be not responsible for violating the policy, unless and until the person is found responsible through the grievance process described in Part X of this policy. The mere fact that an allegation has been made or that a formal complaint has been filed will not result in any presumption that the accused is responsible for the alleged violations. The determination regarding responsibility is made at the completion of the grievance process.

VI. Reporting Allegations

- A. Any individual may make a good faith report alleging violation of the College’s Sexual Misconduct Policy.

1. That report may be provided to any “Responsible College Employee.”¹⁰
2. York College encourages all members of the College community to always lean on the side of safety when deciding whether to seek emergency help. Accordingly, a student who seeks emergency medical intervention for that student or another student will not be subject to disciplinary action based solely on the consumption of alcohol or drugs. Similarly, a student who wishes to report sexual misconduct will not be subject to discipline if the report of sexual misconduct also involves disclosing that the reporting student or the alleged victim has consumed alcohol or drugs in violation of the rules in the Student Code of Conduct or other College policies.
 - (a) To be eligible for this amnesty, a reporting student must remain with the person in need of medical attention until the Department of Campus Safety or emergency personnel arrive to provide emergency treatment.
 - (b) The student may be required to participate in a non-disciplinary, follow-up meeting with a Student Conduct Administrator as a condition for receiving amnesty from disciplinary action.
 - (c) Nothing in Part VI.A.2 of this policy entitles a student to amnesty from discipline for any of the following conduct:
 - (i) The sale or distribution of a controlled substance;
 - (ii) Using drugs or alcohol to incapacitate a person for the purpose of engaging in non-consensual sexual activity;
 - (iii) Operating a vehicle while under the influence of a drug or while intoxicated;
 - (iv) Manufacturing any type of drugs on or off campus;

¹⁰ See definition at Part II.BB.

- (v) Violating the College's prohibitions regarding weapons, explosives, and other prohibited items;
- (vi) Physical assault;
- (vii) Violation of the College's sexual misconduct policy;
- (viii) Bomb threats; or
- (ix) Engaging in deception or dishonesty.

B. Any Responsible College Employee who receives an allegation of violation of Part III of this policy must directly communicate the substance of that report to the Title IX Coordinator as soon as practicable.

1. As a matter of College policy, all College employees—except those named in Part VI.B.1.(a) below—are responsible for reporting to the Title IX Coordinator any allegations that they receive suggesting that a violation of the Sexual Misconduct policy has occurred. All College employees have that responsibility, even if a College employee's position does not fall within the definition of a "responsible College employee" under this policy. Failure to do so could result in disciplinary action, including termination of employment in appropriate circumstances.

(a) College employees in the following departments may not report allegations of violation of the Sexual Misconduct Policy, unless the alleged victim or respondent permits them to do so, or unless otherwise required by law:

- (i) Health Services;
- (ii) Counseling Services; and
- (iii) Spiritual Life.

C. Upon receipt of an allegation of violation of the prohibition against sexual misconduct, either the Title IX Coordinator or the complainant may sign a formal complaint requesting an investigation.

1. To file a formal complaint, the complainant must provide the Title IX Coordinator with a document that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint and wishes for an investigation to be conducted.
2. A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by email.

D. Regardless of whether a formal complaint is filed, the Title IX Coordinator must contact the complainant for the following purposes:

1. To discuss the availability of supportive measures;
2. To consider the alleged victim's wishes regarding supportive measures;
3. To inform the alleged victim that supportive measures are available regardless of whether a formal complaint is filed; and

4. To explain to the alleged victim the process for filing a formal complaint.

VII. Supportive Measures

- A. Upon receipt of a report of an alleged violation of the Sexual Misconduct Policy, the Title IX Coordinator will offer appropriate supportive measures¹¹ to both the complainant and the respondent, without fee or charge to the party.
- B. If the Title IX Coordinator determines that a requested supportive measure is inappropriate, the Title IX Coordinator must document the reasons for denying the requested accommodation.
- C. Upon a finding of responsibility, the remedies and sanctions in the written determination will normally replace supportive measures that have been provided.
- D. Supportive measures may be continued even after a dismissal of a formal complaint or a finding of non-responsibility. A party may request continued supportive measure by submitting a written request to the Title IX Coordinator.

VIII. Emergency Removals and Administrative Leave

- A. At any time, following receipt of information suggesting that a violation of the prohibition against sexual misconduct may have occurred, the Title IX Coordinator, in consultation with the Campus Safety Director or her/his designee, may remove a respondent—entirely or partially—from the College’s education programs and activities on an emergency basis, provided that the Title IX Coordinator,
 1. Has undertaken an individualized safety and risk analysis regarding the respondent,
 2. Has determined that the emergency removal is justified based on an immediate threat to the physical health or safety of any member of the College community arising from the allegations of sexual misconduct, and
 3. Provides the subject of the emergency removal with notice of the emergency removal decision and an opportunity to lodge an immediate challenge of the removal decision.
 - (a) The respondent must provide the Title IX Coordinator with written notice of such a challenge. The respondent bears the burden of demonstrating that the emergency removal decision was incorrect.
 - (b) The College’s Chief of Staff will decide any challenges of removal orders filed by non-student employees of the College. The College’s Vice President of Student Life will decide all other challenges of removal orders.
- B. After the filing of a formal complaint, the College may place a non-student employee respondent on administrative leave (with or without pay) during the pendency of an investigation, hearing, or appeal process under this policy.
- C. Any emergency removal or administrative leave decisions may be amended or removed during the pendency of the grievance procedure described in Part X. Any emergency removal or administrative leave decision will expire upon the conclusion of the grievance procedure.

¹¹ See definition at Part II.R.

- D. Nothing in Part VIII of this policy restricts the College's rights under either Americans with Disabilities Act or Section 504 of the Rehabilitation Act of 1973.
- E. Nothing in this policy restricts the College's ability to implement or continue an emergency removal or administrative leave order (even after conclusion of the grievance process), if the reason the respondent poses an immediate threat is unrelated to the allegations of sexual misconduct.

IX. Informal Resolution Process

- A. The College will make available an informal resolution process for sexual misconduct formal complaints. That process will not involve a full investigation and adjudication. The process will only be utilized in accordance with the following restrictions:
 - 1. The complainant and respondent must provide voluntary, written consent to the informal process; and
 - 2. The parties must receive written notification disclosing the following:
 - (a) The allegations;
 - (b) The requirements of the informal resolution process, including any circumstances under which a party would be precluded from resuming a formal complaint arising from the same allegations;
 - (c) That at any point before agreeing to a resolution, either party may withdraw from the informal process and resume the grievance process; and
 - (d) That documentation of any resolution agreed upon by the parties will be maintained in the College's records for at least seven years and could become part of the parties' permanent education or employment records.
 - 3. If the parties come to an agreement during the informal resolution process and reduce that agreement to a writing signed by the parties, then the parties must comply with the terms of any such written agreement. Violation of the terms of any such agreement constitutes a violation of the Sexual Misconduct Policy.¹²
- B. The informal resolution process may not be utilized for situations involving allegations that a College employee engaged in sexual misconduct toward a student.
- C. To utilize the informal resolution process, both parties must provide the Title IX Coordinator with their written consent to participate no later than 15 days after receipt of the written notice of formal complaint mentioned in Part X.A.3.
- D. Unless terminated by either party earlier, the informal resolution process must be completed within 21 days after the Title IX Coordinator receives written consent from both complainant and respondent to participate in the informal resolution process.
- E. The College will not condition employment, enrollment, or any other right on the waiver of an adjudication under this policy.

¹² See Part III.C above.

X. Grievance Procedure

A. Investigations

1. If the complainant files a formal complaint, the Title IX Coordinator will ensure that an appropriate investigation of those allegations occurs.
2. The Title IX Coordinator must sign a formal complaint and order an investigation even in the absence of a formal complaint signed by a complainant, if the Title IX Coordinator is in possession of information suggesting that a violation of the College's prohibition against sexual misconduct may have occurred.
3. Upon the receipt of a signed formal complaint—or upon the Title IX Coordinator's decision to sign a formal complaint—the Title IX Coordinator must issue a written notice to the parties who are known at that time. That notice must contain the following:
 - (a) A statement notifying the parties that an investigation of violation of the College's Sexual Misconduct Policy has been initiated;
 - (b) A copy of the College's Sexual Misconduct Policy and Grievance Procedure;
 - (c) A statement of the alleged conduct potentially constituting sexual misconduct with sufficient details including the following, if known at the time:
 - (i) The identities of the parties allegedly involved; and
 - (ii) The date and location of the alleged incident(s);
 - (d) A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
 - (e) A statement that the parties may utilize the services of an advisor of their choice, who may be—but is not required to be—an attorney;
 - (f) A statement that the party will be permitted to inspect and review any evidence gathered during the investigation that directly relates to the incident that is the subject of the investigation; and
 - (g) A statement that the College's Code of Conduct prohibits any person from knowingly making a false statement or knowingly submitting false information during the investigation and grievance process.
4. During the investigation, both the complainant and the respondent will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory or exculpatory evidence. "Inculpatory evidence" is evidence that tends to suggest that the respondent is responsible for the alleged sexual misconduct. "Exculpatory evidence" is evidence that tends to suggest that the respondent is not responsible for the alleged sexual misconduct.
5. The College may not restrict the ability of either the complainant or the respondent to discuss the allegations under investigation or to gather and present evidence.

6. The Title IX Coordinator will provide a party whose participation is invited or expected with written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings.
 - (a) Such notice will be provided sufficiently in advance of such events to provide the party with sufficient time to prepare.
7. The Title IX Coordinator will provide the parties and their advisors with an opportunity to inspect and review all evidence gathered during the investigation that directly relates to the allegations in the formal complaint, including the evidence that the College does not intend to rely upon in reaching a determination regarding responsibility and regardless of whether the evidence was obtained from a party or other source.
 - (a) Some evidence gathered during an investigation might contain information normally protected from disclosure under FERPA or which is otherwise confidential. The College, therefore, will require that the parties and their advisors must sign a non-disclosure agreement as a condition for reviewing and accessing the evidence gathered during the investigation.
8. If, during the course of an investigation, the Title IX Coordinator decides to investigate allegations about the complainant or the respondent that were not included in the original notice to the parties, then the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known at that time.
9. The Title IX Coordinator, or her/his designee, is responsible for gathering evidence sufficient to reach a determination regarding responsibility. The parties are not responsible for gathering evidence.
10. Upon receipt of the directly related evidence, the parties will have ten days to submit to the Title IX Coordinator a written response, which the Title IX Coordinator will consider before completing the investigative report.
11. The Title IX Coordinator will create an investigative report that fairly summarizes the relevant evidence gathered during the investigation.
 - (a) The investigative report will be provided to the complainant and respondent at least ten days before any hearing occurs before the Sexual Conduct Hearing Board regarding the allegations addressed in the investigative report.
 - (b) No information regarding the complainant's sexual predisposition or prior sexual behavior will be included in the final written report unless,
 - (i) Such evidence addresses the issue of whether someone other than the respondent committed the conduct alleged by the complainant, or
 - (ii) Such evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and addresses whether respondent had consent to engage in the alleged conduct.

B. Dismissal Decisions

1. The Title IX Coordinator must dismiss the formal complaint if the Title IX Coordinator determines any of the following situations apply:

- (a) The alleged conduct, even if proved, would not satisfy the definition of “sexual misconduct” or “retaliation” in this policy;¹³
 - (b) The alleged conduct did not occur in the College’s education programs or activities;¹⁴ or
 - (c) The alleged conduct did not harm a person located in the United States when the alleged conduct occurred.
2. The Title IX Coordinator may, but is not required to, dismiss a formal complaint at any time during the investigation or hearing process, under the following circumstances:
- (a) The complainant withdraws the formal complaint in a writing that also expresses the complainant’s desire to conclude the grievance process;
 - (b) The respondent is no longer enrolled as a student or employed by the College; or
 - (c) The Title IX Coordinator determines that specific circumstances prevent the College from gathering or presenting sufficient evidence to reach a determination regarding the allegations in the formal complaint.
3. Any party may file an appeal of the Title IX Coordinator’s decision to dismiss a formal complaint.
- (a) Any such appeal must be filed, in writing, with the Title IX Coordinator within three days of the issuance of the Title IX Coordinator’s decision.
 - (i) The appeal may contain a written statement explaining the reasons why the appealing party believes the Title IX Coordinator’s decision should be reversed.
 - (b) The Title IX Coordinator must notify all other parties of any appeal filed challenging the Title IX Coordinator’s decision to proceed with a formal hearing or dismiss the formal complaint.
 - (i) All other parties may file a written statement supporting or opposing such an appeal.
 - (A) That written statement must be provided to the Title IX Coordinator and all other parties no later than three days of receipt of the appeal from the Title IX Coordinator.
 - (c) The basis for the appeal are the same as those listed in Part X.G.1.(a)-(c).
 - (d) If the respondent is a non-student employee, the College’s Chief of Staff will decide the appeal of the Title IX Coordinator’s dismissal decision. The Vice President of Student Life will decide all other appeals of the Title IX Coordinator’s dismissal decisions.

¹³ See Part II.J above.

¹⁴ See Part IV.A.1-3 above.

- (e) The decision regarding such an appeal must be in writing and must describe the rationale for the result.
 - (f) The Title IX Coordinator will provide all parties with simultaneous notice of this appeal's outcome.
4. Even if a formal complaint is dismissed in accordance with Part X.B.1 of this policy, the College may pursue discipline against the respondent for violations of other College policies arising out of the same event.

C. Hearings

1. Hearing Roles

- (a) The Sexual Conduct Hearing Board will decide formal complaints containing allegations of sexual misconduct and retaliation, unless such complaints are dismissed in accordance with Part X.B of this policy. The Sexual Conduct Hearing Board will first conduct a live hearing before deciding the formal complaint.
 - (i) The Hearing Board will decide both whether the respondent is responsible or not responsible for the alleged violation of the Sexual Misconduct Policy and, if responsible, what remedies or sanctions will be required.
 - (A) These matters must be decided by a majority vote of the Hearing Board's voting members.
 - (ii) Hearing Board members are permitted to question witnesses in the manner that the Hearing Officer deems appropriate, provided that the Hearing Officer determines that such questions concern relevant matters.
 - (A) If a witness or party refuses to answer a question posed by a Hearing Board member (and not prohibited by the Hearing Officer), any party to the hearing may submit a prior statement from that witness or party that addresses the topic of the question that the witness refused to answer.
 - (B) If a complainant or respondent refuses to answer a question posed by a Hearing Board member (and not prohibited by the Hearing Officer), the Hearing Board may—but is not required to—determine that the answer to the question would be averse to the refusing party's position in the matter.
 - 1) The Hearing Board, however, may not find the respondent responsible or not responsible based solely on a witness's refusal to answer a question.
- (b) A Hearing Officer will preside over hearings regarding alleged violations of the Sexual Misconduct Policy. The Hearing Officer will decide procedural questions and any challenges to evidence and testimony. The Hearing Officer must exclude evidence that is irrelevant, duplicative, or is otherwise prohibited from consideration under this policy. The Hearing Officer may participate in the

Sexual Conduct Hearing Board's deliberations as a non-voting member of that board.

- (c) The complainant, the respondent, and a representative of the College will be permitted to attend the entire hearing before the Hearing Board, other than Hearing Board deliberations. Only the Hearing Board members and the Hearing Officer may participate in those deliberations.
- (d) Advisors
 - (i) The complainant, the respondent, and the College are permitted to utilize an advisor during the hearing, subject to the following restrictions:
 - (A) A party's advisor is subject to the College's Rules of Decorum for Sexual Misconduct Hearings.¹⁵
 - (B) The person selected as a party's advisor must comply with the College's confidentiality restrictions related to the grievance procedure. Failure to abide by those restrictions may result in additional sanctions against the party for whom the advisor is serving or against the advisor him/herself. Such sanctions against the advisor may include removal as the party's advisor or from the live hearing, or barring the advisor from serving as an advisor in future grievance procedures.
 - (C) The College or the Hearing Officer may impose other restrictions related to an advisor's participation in a hearing to comply with privacy considerations under the Family Educational Rights & Privacy Act ("FERPA"), provided those restrictions apply equally to the complainant's and the respondent's advisors.
 - (ii) The party's advisor will be permitted to attend the entire hearing before the Sexual Conduct Hearing Board, other than Board deliberations, if the advisor complies with the Rules of Decorum and this policy's confidentiality rules. The Hearing Officer may exclude from the hearing an advisor who fails to comply with the Rules of Decorum or this policy's confidentiality rules.
 - (iii) The Title IX Coordinator may not serve as an advisor for the complainant or the respondent.
 - (iv) Unless the College receives advanced notice that a party intends to retain her/his own advisor, the College will assign an advisor to assist the party during the hearing.
 - (A) Such advisor will be provided to the party at no charge to the party.
 - (B) .

¹⁵ See Rules of Decorum, attached as Exhibit A.

- (v) If a party opts to use their own advisor, then that party must notify the Title IX Coordinator of their chosen advisor at least 15 days before the scheduled pre-hearing conference. Thereafter, a substitution of advisors will only be permitted upon a showing of good cause and lack of unfair prejudice to the other party, as determined by the Title IX Coordinator.
 - (A) If a party fails to notify the Title IX Coordinator of the party's chosen advisor within the deadline stated above,¹⁶ then the College will appoint an advisor to cross examine any witnesses at the live hearing.
 - (B) If a complainant or respondent fails to provide the notice required by Part X.C.v of this policy, the Hearing Officer must, upon request of the Title IX Coordinator, permit the re-scheduling of the hearing to allow the College to retain an attorney or other advisor to represent its interests during the hearing.
- (e) Support Persons
 - (i) The complainant and the respondent are permitted to utilize the assistance of a Support Person during the hearing, subject to the following restrictions:
 - (A) Any Support Person must agree to comply with the Rules of Decorum for Sexual Misconduct Hearings. No Support Person may attend the hearing unless he/she signs an agreement indicating willingness to abide by the Rules of Decorum.
 - (B) The person selected as the Support Person must also sign a non-disclosure agreement, provided by the College, to attend the hearing.
 - (C) The College or the Hearing Officer may impose other restrictions related to a Support Person's participation in a hearing to comply with privacy considerations under the Family Educational Rights and Privacy Act ("FERPA"), provided that any such restrictions apply equally to the complainant's and respondent's Support Persons.
 - (ii) The Support Person will be permitted to attend the entire hearing before the Sexual Conduct Hearing Board, other than Board deliberations, if the Support Person complies with the Rules of Decorum, the non-disclosure agreement, the limitations in this policy, and any other conditions imposed on the Support Person by the College or the Hearing Officer. The Hearing Officer may exclude from the hearing any Support Person who fails to comply with the Rules of Decorum, the non-disclosure agreement, or any other conditions imposed on the Support Person by the College or the Hearing Officer, or the restrictions in this policy.

¹⁶ See Part X.C.1.(d).(i).(D).(1).

- (f) The Title IX Coordinator
 - (i) The Title IX Coordinator represents the College during the live hearing. This may involve—among other things—questioning witnesses, ensuring that the Hearing Board understands the relevant policies and the standard of proof, making and responding to objections regarding the evidence, and providing guidance to the Hearing Officer regarding the Sexual Misconduct Policy and Grievance Procedure.
 - (A) The Title IX Coordinator may utilize the services of a deputy or the College’s legal counsel to fulfill this role.
- 2. The Title IX Coordinator, in her/his discretion, is permitted to require that allegations of sexual misconduct or retaliation against multiple respondents are presented in a single hearing before the Sexual Conduct Board, if the Title IX Coordinator determines that the allegations against the respondents arise from the same incident.
 - (a) The Title IX Coordinator’s decision to consolidate or not consolidate allegations against multiple respondents is not subject to appeal before the hearing. A party, however, may challenge such a decision through the appeal process provided in Part X.G of this policy, which occurs after the Hearing Board issues its decision.
- 3. The College will create an audio or audiovisual recording or written transcript of all hearings under this policy.
 - (a) By participating in the hearing, all parties consent to the recording of their voices and image.
 - (b) The College will retain the recording or transcript for a period of at least seven years following the hearing.
- 4. Witnesses
 - (a) All parties will have equal opportunity to present fact and expert witnesses during the hearing.
 - (i) A complainant or respondent wishing to present a fact witness during the hearing must provide all other parties and the Title IX Coordinator with the identity and contact information of all fact witnesses that the party wishes to address the Hearing Board. That notice must be provided at least five days before the scheduled pre-hearing conference.
 - (ii) Any party wishing to present expert witness testimony must provide all other parties and the Title IX Coordinator with notice of that intention.
 - (A) That notice must be provided to all other parties and the Title IX Coordinator no later than five days before the scheduled date of the pre-hearing conference.
 - (B) That notice must include,

- 1) The name, telephone number, and email address of such expert witness,
- 2) The curriculum vitae or resume of such expert witness (including a statement of the witness's qualifications and all publications authored during the previous ten years),
- 3) A statement of the compensation (if any) that the expert witness is receiving related to her/his testimony, and
- 4) A complete statement of all opinions that the expert witness intends to offer during the hearing, the facts and data that the expert witness considered in forming those opinions, and any exhibits that the expert witness intends to use as part of her/his testimony.

(C) The Hearing Officer will exclude the testimony of any witness (fact or expert) if the required disclosures have not been provided in accordance with Part X.C.4.(a).(i) and (ii) of this policy, unless the Hearing Officer determines that,

- 1) The party had good cause for failing to provide the required disclosures, and
- 2) The other parties to the hearing will not be unfairly prejudiced due to the failure of the party to comply with the expert disclosure requirements.

(b) The Hearing Officer may require a party to provide an explanation regarding the expected statement of any witness before that witness is permitted to address the Hearing Board.

(i) The Hearing Officer will exclude any witness from addressing the Hearing Board or limit the scope of that witness's statement if the Hearing Officer determines that the proposed statement (or any portion of the proposed statement) is irrelevant.

(ii) The Hearing Officer will not exclude any witness from testifying regarding a matter relevant to the issue under consideration. But if the probative value of the witness's proposed testimony would be outweighed by the dangers of unfair prejudice, confusion of the issues, or misleading the Hearing Board, the Hearing Officer may take any or all of the following actions:

(A) Instruct the Hearing Board to consider the evidence only for its relevant purpose;

(B) Instruct the Hearing Board to evaluate objectively whether that evidence warrants a high-level or low-level of weight or credibility;

- (C) Require the introduction of evidence sufficient to establish the relevant purpose of the witness's statement; and
 - (D) Place reasonable limits on the timing of the presentation of the witness's statement to ensure that it is considered only for a relevant purpose.
 - 1) For example, a witness's statement that is relevant only to the issue of what remedy should be imposed should not be presented to the Hearing Board unless and until the Hearing Board finds that the respondent is responsible for the allegations.
 - (iii) The Hearing Officer must instruct a witness not to answer a question if the Hearing Officer determines that the question is irrelevant or would violate the Rape Shield rules.¹⁷
 - (iv) The Hearing Officer may exclude testimony that would involve the needless presentation of cumulative evidence.
- (c) Witnesses who address the Hearing Board at the hearing are subject to direct and cross examination.
- (i) No party, however, may cross examine any witness. Instead, any cross examination of a witness must be conducted by that party's advisor, never the party herself/himself.
 - (ii) Each party's advisor will have the right to conduct appropriate direct examination and cross examination of any witness who addresses the Hearing Board.
 - (A) The party's advisor will be permitted to conduct such examinations (and any necessary follow up questions) orally and in real time.
 - (B) Only questions regarding relevant topics are appropriate for cross examination.
 - (C) Appropriate cross examination includes questions challenging a party's or witness's credibility.
 - (D) Cross examination that is harassing, intimidating, or abusive is prohibited. The Hearing Officer is empowered to make determinations regarding whether cross examination is harassing, intimidating, or abusive.
 - (iii) Witnesses must provide honest statements to the Hearing Board. Any witness who knowingly provides a false statement to the Hearing Board is subject to discipline by the College.

5. Evidentiary Rules

¹⁷ See Part X.C.5.(e) below.

(a) Standard of Proof: The Preponderance of Evidence

In all hearings related to allegations of violation of the Sexual Misconduct Policy, the Sexual Conduct Hearing Board will apply a preponderance of the evidence standard. That means that a respondent will not be found responsible for violating the Sexual Misconduct Policy unless the College demonstrates that it is more likely than not that the respondent violated the Sexual Misconduct Policy.

(b) Burden of Proof

The College bears the burden of demonstrating that the respondent is responsible for violating the Sexual Misconduct Policy. The respondent is not required to prove non-responsibility, and the complainant is not responsible for proving responsibility. The College must demonstrate that the respondent is responsible in order to impose sanctions for violation of the Sexual Misconduct Policy.

(c) Only relevant evidence may be presented to the Hearing Board.

(i) Evidence is relevant if,

(A) The evidence has any tendency to make a fact more or less likely to have occurred than it would without the evidence; and

(B) That fact, if proven, would,

1) Make it more or less likely that the respondent is responsible for violating the Sexual Misconduct Policy, or

2) Demonstrate the appropriate remedy (if any) to be imposed for the alleged violation of the Sexual Misconduct Policy.

(C) Evidence or questions that are repetitive, duplicative, or unnecessarily cumulative are not relevant. The Hearing Officer may deem irrelevant questions or evidence that are duplicative, repetitive, or unnecessarily cumulative.

(ii) The Hearing Officer must exclude from the Hearing Board's consideration any irrelevant evidence.

(iii) The Hearing Officer may not exclude evidence that is relevant to the issue under consideration. As a result, evidence of a party's character or prior bad acts may not be excluded if that evidence is relevant. But if the probative value of any evidence is substantially outweighed by the dangers of unfair prejudice, confusion of the issues, or misleading the Hearing Board, the Hearing Officer may take any or all of the following actions:

(A) Instruct the Hearing Board to consider the evidence only for its relevant purpose;

- (B) Instruct the Hearing Board to evaluate objectively whether that evidence warrants a high-level or low-level of weight or credibility;
 - (C) Require that the proponent of such evidence introduce evidence establishing the evidence's relevant purpose; and
 - (D) Place reasonable limits on the timing of the presentation of evidence to ensure that it is considered only for a relevant purpose.
 - 1) For example, evidence that is relevant only to the issue of what remedy should be imposed should not be presented to the Hearing Board unless and until the Hearing Board finds that the respondent is responsible for the allegations.
- (iv) In reaching a decision regarding responsibility, the Hearing Board may rely on any statement of a party or witness that is relevant, regardless of whether that party or witness submits to cross examination at the live hearing.
- (A) The Hearing Board may take into account that a statement was made outside the live hearing in deciding what level of weight or credibility to assign that prior statement.
 - (B) The Hearing Board, however, must not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.
- (v) Rape Shield Rules
- (A) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant unless,
 - 1) Such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - 2) Such questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
 - (B) The Hearing Board may not base credibility determinations solely upon a person's status as a complainant, a respondent, or a witness.
 - (C) The Hearing Officer will not permit questions or evidence that contain or seek disclosure of information protected under a legally recognized privilege, unless the person holding that privilege has waived it.

- (vi) The Hearing Officer is entitled to conduct a “pre-hearing conference” with the parties and their advisors. The purpose of such a conference is to discuss the evidence each party proposes to utilize during the hearing, identify any agreed-upon or disputed factual issues, and, to the extent permissible, address issues related to the evidence that will be presented during the hearing. To facilitate that, the Hearing Officer may request that the parties provide an outline of the evidence they intend to present during the hearing, which might include requiring a party to provide an outline of the subject matters regarding which the party intends to question or cross examine a party or witness.
 - (A) Parties should be prepared at the pre-hearing conference to raise any objections to the evidence contained in the Title IX Coordinator’s Investigative Report and to make an offer of proof regarding any additional evidence that the party intends to present during the live hearing.
 - 1) Any such objections must be directed to a specific evidentiary item or class of evidence. Blanket objections to all evidence or to broad categories of evidence will be rejected for lack of specificity.

(vii) Scope of the Live Hearing Evidence

- (A) The parties are not permitted to present duplicative or unnecessarily cumulative evidence. Thus, the presentation of evidence at the live hearing will be limited to relevant evidence not already provided to the Hearing Board.
 - 1) The Hearing Officer may exclude from the live hearing evidence determined to be duplicative or unnecessarily cumulative.
 - a) Members of the Hearing Board, however, may request to hear from a witness excluded by the Hearing Officer as duplicative or unnecessarily cumulative. The Hearing Board will be permitted to question such a witness, provided that the Hearing Officer determines that the Hearing Board’s questions of such witnesses are relevant.

D. Virtual Hearings

- 1. At the request of the complainant or the respondent, the College will conduct the hearing with the parties located in separate rooms.
- 2. Any technology that the College utilizes to conduct hearings in this manner must enable the Hearing Board, Hearing Officer, the parties and their advisors (if any) to simultaneously see and hear the party or witness answering questions.

E. Hearing Board’s Findings

1. The Hearing Board must issue a written decision regarding whether the respondent is responsible for the alleged violations of the Sexual Misconduct Policy. The written decision must include the following:
 - (a) A description of the allegations that could potentially constitute a violation of the Sexual Misconduct Policy;
 - (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - (c) The Hearing Board's factual findings supporting its determination;
 - (d) Conclusions regarding the application of the Hearing Board's factual findings to the relevant definitions of "sexual misconduct" or "retaliation" in this policy; and
 - (e) A statement of, and rationale for, the result as to each allegation, including the following:
 - (i) A determination of responsibility or non-responsibility regarding each alleged violation of the Sexual Misconduct Policy;
 - (ii) Any disciplinary sanctions the Hearing Board decides to impose on the respondent and whether remedies designed to restore or preserve equal access to the College's educational programs or activities will be provided to the complainant; and
 - (iii) The procedures and permissible bases for the complainant and respondent to appeal.
2. The Hearing Board's decision must be issued within five days of conclusion of the hearing, unless extenuating circumstances require additional time and the Hearing Officer notifies the Title IX Coordinator, complainant, and respondent of the need for additional time.
3. The Title IX Coordinator will ensure that the written determination is provided to the parties simultaneously.
4. If an appeal is filed, the determination regarding responsibility becomes final on the date that the Title IX Coordinator provides the parties with the written determination of the result of the appeal, unless that appeal decision requires that a new hearing be held, that the evidentiary record must be re-opened, or some other action must be completed before a final decision can be rendered. If no appeal is filed, the Hearing Board's decision becomes final within three days after the Hearing Board's written determination is provided to the parties.

F. Remedies and Sanctions

1. If a respondent is found responsible for any violation of the Sexual Misconduct Policy, any remedy or sanction imposed through the grievance process must be designed to restore or preserve the complainant's equal access to the College's education programs

and activities. Any such remedy may include any of the supportive measures listed in Part II.R of this policy.

2. If the respondent is a student and is found responsible for violating the Sexual Misconduct Policy, the student may receive a sanction in the form of a written warning, loss of privileges, no-contact directive, mandatory training, mandated counseling, other educational sanctions, disciplinary probation, suspension, expulsion, restitution, or any combination of these.
3. If the respondent is a non-student employee and is found responsible for violating the Sexual Misconduct Policy, the respondent may receive a written reprimand, final written warning, change in work assignment, demotion, loss of privileges, no-contact directive, mandatory training, mandatory counseling, suspension (with or without pay), termination of employment, non-renewal of employment agreement, restitution, or any combination of these. When the respondent is a tenured faculty member who is found responsible for a violation of this policy, the Hearing Board may not order termination of employment or non-renewal of an employment agreement. The Hearing Board, however, may recommend termination of employment or non-renewal of a tenured faculty member's employment agreement. If the Hearing Board issues such a recommendation, the ultimate decision regarding whether to terminate employment or refrain from renewing the tenured faculty member's employment agreement will be made in accordance with the dismissal or grievance procedure in the Faculty Handbook.
4. The Hearing Board may take into account any previous violations of the Student Code of Conduct, the Sexual Misconduct Policy, or any other College policy or procedure when determining the appropriate remedy to impose.
5. If a respondent is found responsible for violation of this policy, the Title IX Coordinator will make a recommendation of the sanction, if any, to be imposed. That said, the Hearing Board determines the sanction to be imposed and may reject, accept, or alter the sanction recommended by the Title IX Coordinator.
6. The Title IX Coordinator is responsible for ensuring implementation of any remedies ordered.
 - (a) No punitive measures may be implemented against a respondent until a final determination has been made.¹⁸

G. Appeals of the Hearing Board's Decisions

1. Any party may file an appeal of the Hearing Board's decision on any or all of the following basis:
 - (a) Procedural irregularity that affected the outcome of the matter;
 - (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and which could affect the outcome of the matter;
 - (c) The Title IX Coordinator, the investigator, or the members of the Sexual Conduct Hearing Board had a conflict of interest or bias for or against complainants or

¹⁸ See Part X.E.4.

respondents generally or the individual complainant or respondent that affected the matter's outcome; and

- (d) The Board's remedies decision, if any, was inappropriate.
2. Any such appeal must be filed, in writing, with the Title IX Coordinator within three days of the issuance of the Hearing Board's written decision.
 3. The party appealing the Hearing Board's decision may submit a written statement explaining the reasons why the appealing party is challenging the Hearing Board's decision. That written statement must be provided to the Title IX Coordinator within seven days of the issuance of the Hearing Board's written decision.
 4. The Title IX Coordinator must notify all other parties of any appeal filed challenging a Hearing Board's decision and must provide the other parties with the appealing party's statement in support of appeal, if any.
 - (a) All other parties may file a written statement supporting or opposing the appeal or hearing outcome.
 - (i) That written statement must be provided to the Title IX Coordinator and all other parties no later than 10 days of receipt of the issuance of the Hearing Board's written decision.
 5. The Appeal Board will decide any appeal challenging a Hearing Board's decision.
 - (a) The Appeal Board must issue a written decision explaining the rationale for the result.
 - (b) That written decision must be provided to the parties and the Title IX Coordinator within five days of expiration of the period in Part X.G.4.(a).(i) for submitting statements in support of, or opposition to, the appeal.
 6. The Title IX Coordinator will simultaneously provide all parties with the written decision regarding the appeal.

XI. Confidentiality

- A. Hearings before the Sexual Conduct Board will be conducted in private.
- B. The College may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, if the records are made and maintained in connection with the provision of treatment to the party.
 1. If the party provides voluntary, written consent, then the College may access, consider, disclose, or otherwise use a party's confidential treatment records during the grievance process.
- C. If the Hearing Officer is not a College official, the Hearing Officer must follow the same confidentiality restrictions as College employees.

D. All College officials involved in any aspect of the grievance process (reporting allegations, filing of formal complaints, investigations of formal complaints, implementation of emergency removals or supportive measures, hearings, or appeals) are subject to the following confidentiality rules:

1. The identity of the following individuals must be kept confidential:
 - (a) Any individual who has made a report or complaint of sexual misconduct;
 - (b) Any alleged victim of sexual misconduct;
 - (c) Any individual who is alleged to be the perpetrator of sexual misconduct;
 - (d) Any respondent; and
 - (e) Any witness.
2. Notwithstanding these restrictions, the identities of the individuals mentioned in Part XI.D.1.(a)-(d) may be disclosed if,
 - (a) Such disclosure is permitted under FERPA,
 - (b) Such disclosure is required by law,
 - (c) Such disclosure is necessary to conduct any investigation, hearing, or appeal under this policy,
 - (d) Such disclosure is necessary to implement a supportive measure,
 - (e) Such disclosure is necessary to implement an emergency removal or administrative leave as permitted by this policy, or
 - (f) Such disclosure is necessary to implement a remedy or sanction for violation of this policy.

E. Notwithstanding the above, York College will not restrict the ability of the parties to obtain and present evidence. Specifically, the parties are always permitted to speak with witnesses, consult with their family members, consult with confidential resources, consult with their advisor or support person, or otherwise prepare for or participate in the Title IX grievance procedures. The parties, however, are prohibited from engaging in retaliation, including against witnesses.

XII. Miscellaneous

A. Conflicts of Interest

No person may serve as the Title IX Coordinator, an investigator, the Hearing Officer, a member of the Hearing Board or Appeal Board, or as a facilitator for the informal resolution process if that person has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent in the particular matter.

B. Training

1. The College will ensure that the Title IX Coordinator and any investigator, Hearing Officer, Hearing Board or Appeal Board member, and facilitator of the informal resolution process receive training on the following topics:
 - (a) The definition of sexual harassment in this policy, including the College's definition of "consent";
 - (b) The preponderance of the evidence standard;
 - (c) The presumption of non-responsibility;
 - (d) Confidentiality rules under this policy;
 - (e) The scope of the College's education programs and activities;
 - (f) How an appropriate investigation is conducted;
 - (g) The College's Sexual Misconduct Policy and Grievance Process, including the College's processes regarding,
 - (i) Hearings,
 - (ii) Appeals, and
 - (iii) The informal resolution processes
 - (h) The scope of potential remedies for violations of the Sexual Misconduct Policy;
 - (i) Available supportive measures; and
 - (j) How to serve impartially, including the importance of avoiding prejudgment of the facts, conflicts of interest, and bias.
2. The College will ensure that any Hearing Officer, the Title IX Coordinator, and the members of the Hearing Board and Appeal Board receive training regarding the following topics:
 - (a) Any technology used at a live hearing;
 - (b) Relevant questions and evidence; and
 - (c) The Rape Shield Rules.
3. The College will ensure that the Title IX Coordinator and any investigator receive training regarding how an appropriate investigation is conducted and responsibilities associated with the creation of an investigative report that fairly summarizes the relevant evidence.
4. No training provided in accordance with Part XII.B of this policy will rely on sex stereotypes.
5. All training provided in accordance with Part XII.B of this policy must promote impartial investigations and adjudications of formal complaints.

C. Record Keeping

1. The College must maintain the following records for a period of seven years:
 - (a) Each allegation of violation of the Sexual Misconduct Policy, including any determination regarding responsibility, the recording or transcript of any hearings, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the College's education programs and activities;
 - (b) Any appeals filed under this policy and the written decisions regarding those appeals;
 - (c) Any informal resolution process and the result of such informal resolution process;
 - (d) Documentation of any actions the College takes in response to a report or formal complaint of sexual misconduct or retaliation, which must include the following:
 - (i) Any supportive measures provided;
 - (ii) Measures that the College has taken to restore or preserve equal access to its education program or activity; and
 - (iii) The basis for the College's determination that its response was not deliberately indifferent.
 - (e) If the College does not provide the complainant with supportive measures, the College must document the reasons why its response to the complaint or report was not clearly unreasonable in light of the known circumstances.
 - (f) All non-privileged materials used to train the Title IX Coordinator, investigators, members of the Sexual Conduct Hearing Board, the Appeal Board, and the Hearing Officer will be posted on the College's website.

D. Singular/Plural

When required by the context, use of the singular in this policy also refers to the plural. Likewise, reference to the plural refers to the singular.

E. Deadlines for Completing Process

1. The initial notice to the parties¹⁹ will be provided no later than three days after the formal complaint is filed.
2. The disclosure of the evidence gathered during the investigation²⁰ will be provided to the parties no later than 45 days after the formal complaint is filed.

¹⁹ See Part X.A.3 above.

²⁰ See Part X.A.7 above.

3. The Title IX Coordinator's investigative report²¹ will be provided to the parties no later than 60 days after the formal complaint is filed.
4. The live hearing,²² if any, will occur no later than 75 days after the formal complaint is filed.
5. The written decision of the Sexual Conduct Hearing Board²³ will be issued no later than 80 days after the formal complaint is filed.
6. The written decision regarding any appeal²⁴ will be issued within 100 days after the filing of the formal complaint.
7. The entire grievance process²⁵ will conclude within 100 days after the filing of the formal complaint.
8. Any time related to the informal resolution process²⁶ will not count toward any deadline in Part XII.E of this policy.
9. Weekends, holidays, and days when the College is closed do not count as "days" in the calculation of the deadlines in this policy.
10. If any deadline in this policy falls on a Saturday, Sunday, or recognized College holiday, or if the College is closed due to unforeseen circumstances, then the deadline for compliance will be the next business day that the College is open.

F. Extensions of Time

1. If feasible, the Title IX Coordinator will work with the Hearing Board members, the parties, their advisors, the Hearing Officer, and any witnesses to arrange for a mutually convenient time for conducting the hearing.
2. Extensions of time and requests to reschedule or delay hearings must be directed to the Title IX Coordinator. No such requests, however, will be granted absent a demonstration of good cause. The Title IX Coordinator is the sole person entitled to grant extensions of time or continuances of scheduled hearings. The Title Coordinator's decision to grant or deny such an extension or continuance is not subject to appeal through the appeal process outlined in Part X.B of this policy.
 - (a) Good cause may include considerations such as,
 - (i) The absence of a party, the party's advisor, or a witness,
 - (ii) Concurrent law enforcement activity,
 - (iii) The filing of an appeal of a dismissal decision,

²¹ See Part X.A.11 above.

²² See Part X.C.1.(a) above.

²³ See Part X.E.1 above.

²⁴ See Parts X.G.5.(a) above.

²⁵ See Part X above.

²⁶ See Part IX above.

- (iv) The need for foreign language assistance, or
 - (v) Disability-related accommodations.
 - (b) A party's decision to change advisors, standing alone, does not constitute good cause to justify an extension of a deadline or to permit a continuance.
- G. Any individual involved in the Sexual Misconduct Policy's grievance process must notify the Title IX Coordinator if that person is in need of a disability-related accommodation during this process. The Title IX Coordinator will be responsible for determining what, if any, such accommodations are reasonable and for ensuring that reasonable accommodations are implemented. The Title IX Coordinator is permitted to consult with other College officials—including the College's Office of Accessibility Services and the College's Director of Human Resources—and the College's legal counsel regarding disability-related accommodations during the grievance process.
- H. Nothing in this policy is designed to inhibit any party's rights under Title IX of the Educational Amendments Act, the Pennsylvania Human Relations Act, the Pennsylvania Fair Educational Opportunities Act, or any other similar federal, state, or local law. To the extent there is any conflict between these laws and this policy, those legal requirements prevail and must be adhered to.
- I. The College retains the authority to amend this policy at any time, and without previous notice, in order to ensure compliance with legal requirements or for any other reason.
- J. Unless this policy specifically says otherwise, any question of interpretation or application of this policy will be referred to the Title IX Coordinator, or his or her designee, for final interpretation.
- K. The Title IX Coordinator should typically review this policy annually in collaboration with Chief of the Campus Safety Department, the Office of Student Development and Campus Life, the Office of Student Accessibility Services, the College's legal counsel, and any other College officials whose participation the Title IX Coordinator deems necessary and appropriate.

Supplemental Sex Discrimination Policy

Introduction

The College's Sexual Misconduct Policy and Grievance Procedure imposes procedural requirements related to allegations of sexual misconduct that occur within the College's education programs and activities as that term is defined in Title IX of the Educational Amendments Act of 1973 ("Title IX") and its implementing regulations.²⁷ But the College is subject to other laws that prohibit sex discrimination, including the Pennsylvania Human Relations Act²⁸ and the Pennsylvania Fair Educational Opportunities Act.²⁹ Those laws sometimes classify as sex discrimination conduct that is not covered under Title IX, and those laws also impose different procedural requirements for allegations of sex discrimination not covered by Title IX. To ensure compliance with those laws, and to ensure that sex discrimination is eradicated from all aspects of the College's operations, the College has adopted the following policy for conduct that falls outside of Title IX's coverage but nonetheless constitutes prohibited sex discrimination.

²⁷ See 20 U.S.C. § 1681 *et seq.*; 34 C.F.R. 106.1 *et seq.*

²⁸ 43 P.S. § 951 *et seq.*

²⁹ 24 P.S. § 5001 *et seq.*

Grievance Procedures for Complaints of Supplemental Sex Discrimination

York College has adopted the following grievance procedures that provide for prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the College's operations, or by the Title IX Coordinator, alleging any action that is prohibited by this policy.

Definitions

The following definitions apply to the use of these terms in this policy:

- College: Means York College of Pennsylvania ("York College").
- Student: means a person who has gained admission to the College.
- Faculty Member: Any individual hired by the College to conduct teaching activities or whom the College otherwise considers a member of the faculty. For the purpose of this policy, the term "faculty" does not include any individual who would qualify for the definition of a student.
- College official: Includes any individual employed by the College, performing assigned administrative or professional responsibilities.
- College property: Includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the College (including adjacent streets and sidewalks).
- Complainant: An individual alleged to be the victim of conduct that could constitute sex discrimination, as that term is defined in this policy.
- Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sex discrimination covered under this policy.
- Complaint: An oral or written request to the College that can be objectively understood as a request for the College to investigate and make a determination about alleged discrimination under this policy.
- Sex discrimination: Discrimination on the basis of sex under the College's operations, which causes more than a minimal level of harm. As stated above, the College prohibits sex discrimination in all of its operations. Sex discrimination prohibited by the College includes discrimination on the basis of gender, sex stereotypes, sex characteristics, pregnancy or related conditions, parental or marital status, sexual orientation, or gender identity.
- Pregnancy-or related conditions: Means (1) pregnancy, childbirth, termination of pregnancy, or lactation; (2) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) recovery from pregnancy, childbirth, termination of pregnancy, or lactation.
- Under the College's operations: This policy's prohibition against sex discrimination applies to all sex discrimination occurring under the College's operations. Conduct that occurs "under the College's operations" includes, (1) all conduct that occurs on campus or on any other College property or other property owned, controlled, managed, or used by the College, (2) conduct occurring in any building owned or controlled by a student organization that is officially recognized by the College, and (3)

conduct that is subject to the College's disciplinary authority. Conduct may be covered by this policy even when some conduct alleged to be contributing to a hostile environment occurred outside the College's education programs or activities, provided that the conduct that did not occur under the College's education programs or activities contributes to an alleged sex-based hostile environment under the College's operations.

- Sex-based harassment: A form of sex discrimination, which means sexual harassment and other harassment on the basis of sex (including harassment on the basis of pregnancy or related conditions, sexual orientation, and gender identity) if it is "*quid pro quo* harassment," "hostile environment harassment," "sexual assault," "dating violence," "domestic violence" and "stalking," as those terms are defined in this policy.
- Quid pro quo harassment: A College employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College's operations, explicitly or implicitly conditions the provision of such an aid, benefit, or service on the individual's participation in unwelcome sexual conduct.
- Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's operations. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant's ability to access the College's operations;
 - The type, frequency, or duration of the conduct;
 - The parties' ages, roles within the College's operations, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in the College's operations.
- Sexual assault:
 - Any intentional anal or vaginal penetration of another against that person's will or without that person's consent;
 - Any intentional oral penetration of another by a sexual organ against that person's will or without that person's consent;
 - Any insertion of another's genitals into another's mouth, anus, or vagina against that person's will or without that person's consent;
 - Any attempt to make or the making of physical contact with another for the purpose of sexual gratification, against that person's will or without that person's consent; or
 - The use of physical force, coercion, intentional impairment, or threat of harm to commit any of these acts.
- Coercion: Occurs when a sexual initiator engages in sexually pressuring or oppressive behavior that causes the behavior's target to engage in unwanted sexual behavior.
- Domestic violence: A felony or misdemeanor crime committed by a person who,
 - Is a current or former spouse or intimate partner of the victim under Pennsylvania's family or domestic violence laws;

- Is similarly situated to a spouse of the victim;
 - Shares a child in common with the victim;
 - Is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; or
 - Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction where the actions take place.
- 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; and
 - Whether such relationship existed must be determined by taking into consideration the following factors:
 - The relationship's length;
 - The relationship's type; and
 - The frequency of interaction between the persons involved in the relationship.
 - Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to,
 - Fear for his or her safety or the safety of others; or
 - Suffer substantial emotional distress.

Examples of conduct qualifying as stalking include,

- Following a person without proper authority, under circumstances that a reasonable person would believe demonstrate an intention to cause physical harm or emotional distress to the person being followed; and
 - Repeatedly communicating with a person under circumstances that a reasonable recipient of such communications would believe demonstrate an intention to cause physical harm or emotional distress to the recipient of such communications.
- Retaliation: Intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide an aid, benefit, or service under the College's operations, for the purpose of interfering with any right or privilege provided by this policy, or because the individual has made a report or complaint, testified, assisted, participated, or refused to participate in any manner in an investigation, proceeding, or hearing regarding sex discrimination allegations, which includes participation in this policy's grievance procedures and informal resolution process.
 - Supportive measures: non-disciplinary, non-punitive individualized services offered—as appropriate, and if reasonably available, and without fee or charge— to the complainant or respondent before or after a complaint has been received by the College or if no complaint has been provided. Such measures are designed to restore or preserve equal access to the College's operations and to provide support during the grievance procedures described in this policy. "Supportive measures" may include the following:
 - Counseling services;
 - Deadline extensions or other course-related adjustments;
 - Modifications of schedules for work, class, or extracurricular or other activity, regardless of whether there is or is not a comparable alternative;

- Campus escort services;
- Restrictions on contact applied to one or more parties;
- Changes in working conditions;
- Changes in housing;
- Leaves of absence;
- Increased security and monitoring of certain campus areas;
- Training and education programs related to sex-based harassment; and
- Other similar measures.

The College will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the College's ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating effective implementation of supportive measures under this policy.

- Title IX Coordinator: The College official responsible for coordinating implementation and compliance with this policy and Title IX. Currently, the College's Title IX Coordinator is:

Vicki Stewart
 Title IX Coordinator
 Manor Northeast
 441 Country Club Road
 York, PA 17403
 Email: titleix@ycp.edu
 Office: 717.815.1440.

The Title IX Coordinator, any Deputy Title IX Coordinators, and the Title IX Investigator are all permitted to serve as the investigator for allegations of violation of this policy. The Title IX Coordinator, however, also has the authority to delegate such tasks, including to the College's legal counsel, when the College deems that necessary and appropriate. Likewise, if the Title IX Coordinator has a conflict of interest or prohibited bias in a particular matter, then the College may appoint an Interim Deputy Title IX Coordinator for that particular matter. In that situation, all references to the Title IX Coordinator in this policy refer to the Interim Deputy Title IX Coordinator with respect to the particular matter for which the Interim Deputy Title IX Coordinator has been appointed.

- Confidential employees: Means the following. First, an employee of the College whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies. Second, an employee whom the College has designated as confidential under this policy for the purpose of providing services to persons related to sex discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination in connection with providing those services. Third, a College employee who is conducting an Institutional Review Board-approved human-subjects study designed to gather information about sex discrimination—but the employee's confidential status is only with respect to information received while conducting the study. The following classes of College employees are considered "confidential employees" for the purposes of this policy: Health Services; Counseling Services; and Spiritual Life.
- Adjudicator: The person or body responsible for making the decision regarding whether the respondent is responsible or not responsible for violating this policy. The Title IX Coordinator may serve as the adjudicator and the adjudicator may be the same person who investigates the allegation of Supplemental sex discrimination, unless the Title IX Coordinator or investigator has a prohibited conflict

of interest or bias that would prevent him/her/them from serving in an impartial manner. The Title IX Coordinator may also appoint another person to serve as the adjudicator or investigator of alleged violations of this policy, including an attorney for the College, provided that the selected person does not have a conflict of interest or bias that would prevent him/her/them from serving in an impartial manner.

- Disciplinary Sanction or Remedy: Requirements imposed on a respondent found responsible for violating this policy. Any such sanction or remedy imposed through the grievance procedures in this policy must be designed to restore or preserve the complainant's equal access to the College's operations and may include supportive measures. The scope of permissible sanctions or remedies are discussed later in this policy.
- Appeal Board: The group of College officials selected, trained, and designated by the Title IX Coordinator to hear and decide appeals from decisions made by the adjudicator regarding complaints involving allegations of violation of this policy. Each Appeal Board will have three members. The Title IX Coordinator shall not serve as a member of the Appeal Board, nor shall the investigator or the adjudicator.
- Informal Resolution Officer: Means the person appointed by the Title IX Coordinator to facilitate the informal resolution process. Any person designated as an informal resolution officer must be appropriately trained regarding the informal resolution process's rules and practices, how to serve impartially, including by avoiding conflicts of interest and bias. Likewise, no person may serve as an informal resolution officer if that person has a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- Preponderance of the Evidence: Evidence demonstrating that it is more likely than not that a violation of this policy has occurred. The College will apply the preponderance of the evidence standard when evaluating whether a violation of this policy has occurred.

Advisor: A person who assists a student or employee who is a party to a grievance procedure in this policy. Both the complainant and the respondent are entitled to be accompanied and assisted by an advisor during any investigation or meeting regarding allegations of sex discrimination under this policy when the allegations involve a student as either the complainant or the respondent. Advisors, however, are not permitted to speak directly on behalf of a party during any meeting conducted pursuant to this policy. Subject to the restrictions listed in this section below, the advisor may be anyone who the party believes will help him/her/them during the investigation, and appeal of allegations of sex-based harassment involving a student. By having an advisor accompany a party to a meeting conducted under this policy, that party is authorizing the College to disclose that party's FERPA-protected information³⁰ to the selected advisor for the purposes of this policy. Parties may select an attorney as an advisor. The parties, however, must provide advanced notice to the Title IX Coordinator regarding the participation of any attorney-advisor. That way, the College will be able to determine whether to have its own legal counsel participate in any investigation or meeting during which one or more of the parties have opted to use an attorney as their advisor. The party's selected advisor must abide by the rules of any meeting set by the investigator, informal resolution officer, or adjudicator. The Title IX Coordinator may prohibit an advisor from participating in any aspect of the grievance process under this policy if the advisor fails or has failed to comply with the Rules of Decorum or the restrictions on advisor participation, as judged by the Title IX Coordinator. Likewise, the Title IX Coordinator may impose additional requirements on the participation of an advisor whom the Title IX Coordinator determines has violated the Rules of

³⁰ "FERPA" is the Family Educational and Privacy Act, 20 U.S.C. § 1232g.

Decorum, provided such requirements are designed to ensure compliance with the Rules of Decorum. Likewise, an adjudicator or informal resolution officer may order the removal of an advisor during the course of any meeting conducted by the adjudicator or informal resolution officer in accordance with this policy upon a finding that the advisor has failed to comply with the Rules of Decorum. The College will not provide an advisor for any party who does not have an advisor. The parties are responsible for obtaining their own advisors for grievance procedures under this policy.

The following individuals may not serve as an advisor:

- The Title IX Coordinator;
 - Any investigator who has assisted the College in investigating the complaint at issue;
 - Any informal resolution officer who has assisted the College during the grievance process related to the complaint at issue;
 - Legal counsel for the College;
 - Any witness who provides information during the grievance process related to the complaint at issue;
 - Any support person for any party to the complaint at issue;
 - The adjudicator for the complaint at issue;
 - Members of the Appeal Board; and
 - Any other individual whom the Title IX Coordinator, the adjudicator, the informal resolution officer, or Appeal Board determines has a conflict of interest or bias.
- **Support Person**: A person, other than an advisor, whose presence provides support to a party throughout the grievance procedure discussed in this policy. Complainants and respondents are entitled to be accompanied by one support person of their choosing in meetings and other proceedings related to the investigation and grievance procedures under this policy. Witnesses are not entitled to be accompanied by a support person, although the investigator or adjudicator may permit a witness to be accompanied by a support person upon a showing of good cause. By way of examples, the support person may be a family member, a friend, a faculty member, a staff member, or an attorney. The following may not serve as a support person: the Title IX Coordinator; the investigator; the adjudicator; or any other individual who the adjudicator or investigator determines has a conflict of interest. A support person may do any of the following: provide emotional support and reassurance throughout the grievance procedures; observe meetings; assist with clarifying the grievance procedures; take notes; and quietly prompt or advise a party to request a break in the proceedings when necessary. A support person must understand and maintain the privacy of the parties and witnesses as much as possible and will be required to execute a non-disclosure agreement as a condition of their participation in the grievance procedures. A support person may not engage in any of the following conduct: make a presentation on behalf of a party or otherwise represent a party's interest during the grievance process, including by questioning witnesses; speak for a party or answer questions on a party's behalf; advocate for a party or a party's interest; or obstruct or distract from the grievance process. Support persons must also comply with the Rules of Decorum.
 - **Consent**: A knowing and voluntary agreement to engage in specific activity at the time of the activity. To be valid, consent must be knowing, voluntary, active, present, and ongoing. Consent must also be clear

and unambiguous, expressed in mutually understandable words or actions. Individuals should keep the following principles in mind:

- Consent may be expressed verbally or nonverbally.
 - Consent may be withdrawn at any time.
 - An individual may consent to certain sexual activities, but not others.
 - The College will consider all relevant circumstances of the relationship between the parties when determining whether consent has occurred. But the fact that an individual has previously engaged in consensual sexual activities does not mean that all future sexual activities automatically qualify as consensual.
 - A person who is incapacitated is unable to consent to sexual activity.
- Incapacity, incapacitated, and incapacitation: These terms refer to a person who is unable to consent to sexual activity. Individuals are unable to consent to sexual activity if they are mentally incapacitated, cognitively limited, unconscious, or incapacitated due to the use of alcohol or other drugs. Likewise, an individual may be incapacitated due to the person's age. For example, individuals who are under the age of 14 are unable to consent to sexual activity under any circumstances. Similarly, individuals who are ages 14 and 15 are unable to consent to sexual activities with individuals who are at least four years older than they are. When alcohol is involved, incapacitation is a state beyond drunkenness or mere intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs affect each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide consent, the College will consider whether a sober and reasonable person in the same circumstances would have known that the other party could or could not consent to sexual activity.

Complaints

The following people have a right to make a complaint of sex discrimination, requesting that York College investigate and make a determination about alleged sex discrimination under this policy:

- A "complainant," which includes the following individuals:
 - A student or employee of York College who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy; or
 - A person other than a student or employee of York College who is alleged to have been subject to conduct that could constitute sex discrimination under this policy at a time when the individual was participating or attempting to participate in York College's operations.
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- York College's Title IX Coordinator.

In certain situations, the Title IX Coordinator may decide to initiate a complaint of sex discrimination even in the absence of a complaint lodged by a student, employee or other alleged victim, or if the complaint is withdrawn by the complainant. If a complaint will be initiated under these circumstances, then the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The Title IX Coordinator is not required to initiate the grievance procedures if, upon being notified of conduct that may constitute sex discrimination, the Title IX Coordinator reasonably determines that the alleged conduct could not constitute sex discrimination, as defined in this policy.

York College may consolidate complaints of sex discrimination under this policy against one or more respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references in this policy to a party, complainant, or respondent include the plural, as applicable.

Regardless of whether a complaint is initiated, the College will take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education programs or activities.

Reporting Allegations

Any individual may make a good faith reporting alleging violation of the College's prohibition against sex discrimination.

All College employees are obligated to notify the Title IX Coordinator when they are aware of conduct that reasonably may constitute prohibited sex discrimination.

"Confidential employees"³¹ have no obligation to report conduct that reasonably may constitute sex discrimination that such confidential employees learn about through the confidential employee's confidential duties.

Grievance Procedures for Allegations of Non-Title IX Sex Discrimination

York College will treat complainants and respondents equitably.

York College requires that any Title IX Coordinator, investigator, or adjudicator not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

York College presumes that the respondent is not responsible for the alleged sex discrimination unless and until a determination of responsibility is made at the conclusion of the Supplemental Sex Discrimination Policy's grievance procedure.

A party may request an extension of any deadline set by the Title IX Coordinator by providing a written request to the Title IX Coordinator. Any extension of these deadlines, however, will only be granted upon good cause shown in light of the facts of that particular situation.

York College will take reasonable steps to protect the privacy of the parties and witnesses during grievance procedures under this policy. Such steps, however, will not restrict the ability of the parties to obtain and present evidence. Specifically, parties are always permitted to speak with witnesses, consult with their family members, consult with confidential resources, consult with their advisor or support person, or otherwise prepare for or participate in the grievance procedures. The parties are prohibited from engaging in retaliation, including against witnesses.

³¹ Defined in the definitions section of this policy.

York College will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence.³² Credibility determinations—that is, determinations about whether a party or witness is believable—will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible and will not be accessed or considered (unless for the sole purpose to determine whether one of the exceptions below applies). Such evidence also will not be disclosed and will not otherwise be used during the grievance procedures under this policy, regardless of whether relevant:

- Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a confidential employee acting within the scope of that employee’s confidential duties, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to that party or witness, unless the College obtains the party’s voluntary, written consent for the use of these materials during the grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless such evidence is offered to prove that someone other than the respondent committed the alleged conduct or if the evidence is about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and the respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of York College’s Supplemental Sex Discrimination Policy’s grievance procedures, the Title IX Coordinator will notify the parties of the following:

- This policy’s grievance procedures and its informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for any alleged sex discrimination until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to the adjudicator, who will be a trained and impartial decisionmaker;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence; and

If, during the course of an investigation, York College decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, York College will notify the known parties of the additional allegations.

Dismissal of a Complaint

³² “Inculpatory evidence” is evidence which suggests that the respondent is responsible for the alleged sex discrimination. “Exculpatory evidence” is evidence which suggests that the respondent is not responsible for the alleged sex discrimination.

The Title IX Coordinator may dismiss a complaint of sex discrimination under this policy in the following circumstances:

- York College is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in York College's education programs or activities and is not employed by York College;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint or determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under this policy, even if those allegations were proven; or
- The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under this policy. Before dismissing the complaint, York College will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, York College will promptly notify the complainant, in writing, of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then York College will also simultaneously notify the respondent in writing of the dismissal and the basis for the dismissal.

York College will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then York College will also notify the respondent that the dismissal may be appealed. Any dismissal decision may be appealed on the following basis:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal decision was made; and
- The Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Any such appeal must be filed within three business days of the issuance of the dismissal decision and must be provided to the Title IX Coordinator. If the dismissal decision is appealed, York College will,

- Notify all parties of any appeal, including notice of the allegations, if such notice was not previously provided to the respondent,
- Implement appeal procedures equally for the parties,
- Ensure that the person deciding the appeal did not take part in an investigation of the allegations or dismissal of the complaint,
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and
- Provide a written decision to the parties regarding the appeal's result and the rationale for that result.

If the dismissal decision involves an allegation of sex discrimination involving a student, then the dismissal decision will be decided by the Vice President of Student Life. Appeals of all other decisions will be decided by the College's Chief of Staff.

When a complaint under this policy is dismissed, York College will, at a minimum,

- Offer supportive measures to the complainant, as appropriate,

- Offer supportive measures to the respondent, provided that the respondent has been notified of the allegations, and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator, to ensure that sex discrimination does not continue or recur within York College's education programs or activities.

Emergency Removals and Administrative Leave

At any time, following receipt of information suggesting that a violation of the College's prohibition of sex discrimination may have occurred, the Title IX Coordinator, in conjunction with the College's Director of Campus Safety, may remove a respondent—entirely or partially—from the College's education programs or activities on an emergency basis, provided that the following has occurred:

- The Title IX Coordinator and Director of Campus Safety have undertaken an individualized safety and risk analysis; and
- The Title IX Coordinator and Director of Campus Safety have jointly determined that the emergency removal is justified based on an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination.

The College may place any employee on administrative leave from employment responsibilities during the pendency of the College's Title IX grievance procedures.

Any emergency removal or administrative leave decision may be amended or cancelled during the pendency of the College's grievance procedures under this policy.

Nothing in this section of the policy restricts any rights under the Americans with Disabilities Act,³³ Section 504 of the Rehabilitation Act of 1973,³⁴ or the Individuals with Disabilities in Education Act.³⁵

Investigation

York College will provide an adequate, reliable, and impartial investigation of complaints alleging sex discrimination.

York College—not the parties—bears the burden of conducting an investigation that gathers sufficient evidence to determine whether sex discrimination has occurred.

York College will provide an equal opportunity for the parties to present fact and expert witnesses and other inculpatory or exculpatory evidence that is relevant and not otherwise impermissible.

York College will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Determination Regarding Whether Sex Discrimination Has Occurred

Following the investigation and evaluation of all relevant and not otherwise impermissible evidence, York College will,

- Use the preponderance of the evidence standard of proof to determine whether respondent is responsible for violating the College's prohibition against sex discrimination in this policy. The standard

³³ 42 U.S.C. §12101 *et seq.*

³⁴ 29 U.S.C. § 794.

³⁵ 20 U.S. § 1400 *et seq.*

of proof requires the adjudicator to evaluate the relevant and not otherwise impermissible evidence for its persuasiveness.

- Notify the parties in writing of the determination regarding whether respondent is responsible or not responsible for violating the College's prohibition against sex discrimination in this policy.
- Refrain from imposing discipline on a respondent for sex discrimination unless and until a determination is made at the conclusion of the grievance procedures that the respondent is responsible for engaging in sex discrimination prohibited by this policy.
- If the respondent is found responsible for violating this policy, the Title IX Coordinator will, as appropriate,
 - Coordinate the provision and implementation of remedies to a complainant and other people whose access to York College's operations has been limited or denied due to sex discrimination,
 - Coordinate the imposition of any disciplinary sanctions on the respondent, including written notification to the complainant of any such disciplinary sanctions, and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within York College's education programs or activities.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

The College may take disciplinary action against an individual for making a materially false statement in bad faith during the grievance procedures. But the College may not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination regarding whether sex discrimination occurred.

Appeals

For allegations of sex-based harassment under this policy and involving a student, any party may file an appeal on any or all of the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination of responsibility was made; and
- The Title IX Coordinator, investigator, or adjudicator had a conflict of interest or bias for or against complainant or respondents generally or the individual complainant or respondent that affected the matter's outcome.

If a party appeals a determination regarding allegations of sex-based harassment under this policy and involving a student, the College will,

- Notify all parties in writing of any appeal, including notice of the allegations, if such notice was not previously provided to the respondent,
- Implement appeal procedures equally for the parties,
- Ensure that the appeal officer did not take part in an investigation of the allegations or dismissal of the complaint,
- Communicate to the parties in writing that they will be provided a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome, and
- Provide a written decision to the parties regarding the appeal's result and the rationale for that result.

Any appeal of a decision regarding allegations of sex-based harassment under this policy and involving a student must be provided to the Title IX Coordinator, in writing, within three business days of dissemination of the adjudicator's final written decision. The Appeal Board will decide any such appeals.

For allegations of violation of the Supplemental Sex Discrimination Policy that do not involve a student, the appeal process will be the same as in the relevant non-Title IX context. For more information, consult the policy relevant to the specific situation at issue:

- Grade Appeal Procedure: [Academic Standards - York College of Pennsylvania - Acalog ACMS™ \(ycp.edu\)](https://www.ycp.edu/academic-standards)
- Employee Grievance Procedure
- General Grievance Procedure in the Faculty Manual (D.14.8)
- Grievance Procedure in Faculty Manual Related to Promotion, Tenure, Contract Non-Renewal/Dismissal or Academic Leave of Absence (B3.2.VIII.A)

Informal Resolution Process

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. York College will not offer informal resolution to resolve a complaint when doing so would conflict with federal, state, or local law. Before initiating the informal resolution process, the College will explain the following to the parties in writing:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information York College will maintain and how the College could disclose such information for use in other grievance procedures if such procedures are initiated or resumed.

Any party to an informal resolution process under this policy must comply with the terms of any written agreement entered into by the parties during the informal resolution process. A party's violation of such an agreement constitutes a violation of this policy and potentially other College policies.

Supportive Measures

York College will offer and coordinate supportive measures as appropriate for the complainant or respondent to restore or preserve that person's access to the College's operations or to provide support during the College's Supplemental Sex Discrimination Policy grievance procedure.

Supportive measures may vary depending on what the College deems reasonably available. The College may, as appropriate, modify or terminate supportive measures at the conclusion of the Supplemental Sex Discrimination Policy's grievance procedure. Or the College may continue those supportive measures in place beyond that point.

Orders regarding supportive measures will not be disclosed to any person unless necessary to provide the supportive measure or to restore or preserve a party's equal access to the College's operations. Disclosure may also be provided under the following circumstances:

- The College has obtained prior written consent from a person with the legal right to consent to the disclosure;
- The information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;

- To carry out the purposes of this policy, including action taken to address conduct in the College's operations that may reasonably constitute sex discrimination under this policy;
- When required by federal law, federal regulations, or the terms and conditions of a federal award, including a grant award or other funding agreement; or
- To the extent such disclosures are not otherwise in conflict with Title IX or this policy, when required by state or local law or when permitted under FERPA³⁶ or its implementing regulations.³⁷

Reasonable Modifications for Pregnancy or Related Conditions

The College will make reasonable modifications to its policies, practices, or procedures as necessary to prevent discrimination based on pregnancy or related conditions. Each such reasonable modification must be based on the student's individualized needs, as indicated during a consultation with the affected student. The student has discretion to accept or decline each reasonable modification. If, however, a student accepts an offered modification, the College must implement it. Such reasonable modifications can include the following: breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the bathroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access or other changes to College policies or practices. Nevertheless, the College is not required to implement any such requested modification if doing so would fundamentally alter the education program or activity at issue.

The College will allow a student to voluntarily access any separate and comparable portion of the College's education programs or activities. Likewise, the College will allow any affected student to take a leave of absence from the College's education programs or activities to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. When such a student returns to the College's education programs or activities, the student will be reinstated to the academic program and, as practicable, to the extracurricular status that the student held before the voluntary leave began.

The College will ensure that any affected student can access a lactation space, which must be a space other than a bathroom, which is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

The College will treat pregnancy and related conditions in the same manner as it does any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the College administers, operates, offers, or participates in with respect to students admitted to the College's education programs or activities.

The College will not require a student who is pregnant or who has pregnancy related conditions to provide certification from a healthcare provider (or any other person) that the student is physically able to participate in a class, extracurricular activity or other education programs or activities of the College unless (i) the certified level of physical activity or health is necessary for participation in the class, program, or extracurricular activity, (ii) the College requires the same certification for all students participating the class, program, or extracurricular activity, and (3) the information obtained is not used as a basis for engaging in sex-discrimination.

Disciplinary Sanctions or Remedies

³⁶ 20 U.S.C. § 1232g

³⁷ 34 C.F.R. part 99

Following a determination that sex discrimination under this policy has occurred, the College may impose the following disciplinary sanctions or remedies:

- If the respondent is a student and is found responsible for violating this policy's prohibition against sex discrimination, the respondent may receive any of the following sanctions or remedies:
 - Loss of privileges;
 - No-contact directive;
 - Cease and desist order;
 - Written warning;
 - Removal from on-campus housing;
 - Barring access to campus;
 - Barring or suspension from College activities (extracurricular or otherwise);
 - Mandatory training;
 - Mandated counseling;
 - Educational sanctions;
 - Disciplinary probation;
 - Suspension;
 - Expulsion;
 - An order of restitution; or
 - Any combination of the sanction's remedies listed above.

- If the respondent is not a student and is found responsible for violating this policy's prohibition against sex discrimination, the respondent may receive any of the following sanctions or remedies:
 - Any sanction or remedy applicable to a student respondent, if such sanction or remedy is appropriate;
 - Cease and desist order;
 - Written reprimand;
 - Final written warning;
 - Change in work assignment;
 - Demotion;
 - Loss of privileges;
 - No-contact directive;
 - Barring access to campus;
 - Mandatory training;
 - Mandatory counseling;
 - Suspension (with or without pay);
 - Termination of Employment;
 - Non-renewal of contract;
 - An order of restitution; or
 - Any combination of these sanctions.

When the respondent is a tenured faculty member who is found responsible for violation of this policy, the adjudicator may not order a termination of employment or non-renewal of an employment contract. The adjudicator, however, may recommend termination of employment or non-renewal of the faculty member's employment contract. If such a recommendation is issued, the ultimate decision regarding whether to impose that recommended sanction will be made in accordance with the relevant dismissal or grievance procedure in the Faculty Manual.

The College retains the authority to amend this policy at any time, and without previous notice, in order to ensure compliance with legal requirements or for any other reason. Unless this policy specifically says

otherwise, any question of interpretation or application of this policy will be referred to the Title IX Coordinator, or his or her designee, for final interpretation. The Title IX Coordinator should typically review this policy annually in collaboration with Chief of the Campus Safety Department, the Office of Student Life, the Office of Student Accessibility Services, the College's legal counsel, and any other College officials whose participation the Title IX Coordinator deems necessary and appropriate.

Procedures for Reports of Sexual Misconduct Not Covered Under the Title IX Sex Discrimination Policy

For allegations of sexual misconduct that falls within the scope of Title IX, the College will utilize its Sexual Misconduct Policy and Grievance Procedure. For allegations that involve allegations that do not fall within the scope of Title IX, but nonetheless could constitute "sex discrimination," the College will utilize the Supplemental Sex Discrimination Policy, set forth above. For allegations that do not fall within the scope of either the Sexual Misconduct Policy and Grievance Procedure or the Supplemental Sex Discrimination Policy, the College may utilize Student Code of Conduct or the Employee Sexual and Other Harassment Policies, as appropriate.

Student Code of Conduct

- A. All students participating in Student Conduct proceedings can expect honest communication, equitable application of all processes and procedures, and to be treated with respect as a member of the College community.
 1. A responding person may expect the following:
 - a. To be provided written notice of all charges prior to student conduct proceedings.
 - b. To be provided an opportunity to review their conduct file, incident reports, and any other information that supports charges prior to student conduct proceedings. This request must be done in writing. The student may only review their conduct file, incident reports, and any other information that supports charges in the Office of Residence Life. The student may not remove any files, reports or documents from the office.
 - c. An opportunity to contest all charges of alleged violations of the Student Code of Conduct in a hearing.
 - d. An opportunity to request an appeal of outcomes determined through student conduct proceedings.
- B. Violations and Student Code of Conduct Hearing Assignment
The following procedures are established for formalized investigations and hearings regarding alleged violations of the Student Code of Conduct:
 1. Any member of the College community may file a complaint(s) alleging a student violated the Student Code of Conduct. Complaints should be submitted as soon as possible.
 2. The Office of Student Conduct determines whether a complaint merits a formal or informal investigation. If a complaint does not warrant an investigation, then the Student Conduct case will be closed. Such a determination will be final and there will be no subsequent proceedings.
 3. The Office of Student Conduct determines whether an investigation identifies behavior that may constitute a violation of the Student Code of Conduct. If behavior is identified that may violate the Student Code of Conduct, then the accused student will be charged with violating the Student Code of Conduct. Otherwise, the Student Conduct case will be closed.
 4. All charges alleging violation of the Student Code of Conduct will result in a hearing in one of three forms, 1) a Student Conduct Administrative Review, 2) a Student Conduct Administrator Hearing, or 3) a Student Conduct Hearing Board. The Office of Student Conduct will determine which proceeding format is appropriate for the charges. Charges relating to behavior that is chronic or egregious and may result in suspension or expulsion will be directed to a Student Conduct Hearing

Board. Other cases may be directed to either a Student Conduct Administrative Review or a Student Conduct Administrator Hearing. These determinations are made at the discretion of the Office of Student Conduct.

5. Responding person(s) will receive formal written notice of charges that includes a list of all alleged violations of the Student Code of Conduct. The notification may include whether the initial complaint was submitted by an individual or an identified department. The written notice will also include the date, time, and location of the Student Conduct proceedings. Notice will be given at least two business days prior to the scheduled hearing.
6. Any person involved in an incident on campus may request a copy of a York College Campus Safety incident report. The College maintains the right to deny copies of any incident report since York College is a private institution and reports generated by the Department of Campus Safety are not public record. However, in most cases, the Department will honor requests for copies of reports by individuals who are directly affected by the incident. Written requests for copies of incident reports can be made in the Campus Safety Office. Investigation status, student conduct proceeding status, confidentiality and compliance with appropriate laws and regulations will be considered when requests for reports are submitted. Complainants or Respondents informed that they are being referred to the Office of Student Conduct for an alleged violation of college policy must request a copy of the incident report from the Department of Campus Safety (717-815-1403 - located in Manor Northeast). The student must request the report in writing from the Department of Campus Safety in order to receive a copy of the report. A student may request a copy of an incident report generated by the Department of Residence Life. The Department of Residence Life will accept written requests for copies of reports by individuals who are directly affected by the incident. Investigation status, student conduct proceeding status, confidentiality and compliance with appropriate laws and regulations will be considered when requests for reports are submitted. Written requests of an incident report generated by The Department of Residence Life can be sent to studentconduct@ycp.edu. Granted requests for copies of an incident report may take two business days for processing.
7. In cases assigned to Student Conduct Administrative Review, alleged violations of College policy are referred through a process that works to expedite the conduct proceedings by issuing violation outcomes and sanctions via official written communication to a student's York College of Pennsylvania official e-mail address. After notification of the Student Conduct Administrative Review outcome, accused students may appeal the outcome in writing to the Office of Student Conduct within three business days to request a Student Conduct Administrator Hearing with a Student Conduct Administrator.
8. In cases assigned to a Student Conduct Administrator Hearing, the Student Conduct Administrator will determine based upon the preponderance of information presented in the hearing if a violation of the Student Code of Conduct has occurred. Sanctions are recommended after a finding of responsibility. All sanctions provided by a Student Conduct Administrator are considered a recommendation to the Student Development Division. Hearing outcomes and sanctions may be reviewed, confirmed or adjusted. The responding person may appeal this decision within three business days.
 - a. Student Conduct Administrator Hearings will be conducted according to the following guidelines:
 - i. Student Conduct Administrator Hearings must be conducted in private.
 - ii. The responding person and an advisor, if any, will be allowed to attend the entire Student Conduct Administrator Hearing at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Administrator Hearing will be at the discretion of Office of Student Conduct.

- iii. In the case of a Student Conduct Administrator Hearing involving more than one student alleged of violating College policy in the same incident, the Office of Student Conduct, in its discretion, may permit the Student Conduct Administrator Hearing to be conducted either separately or jointly.
- iv. The responding person may have an advisor as defined in Article I. The advisor must be a current faculty, staff, or administrator of the College. Consistent with the philosophy of the student conduct process being educational and not a legal process, attorneys are not permitted to serve as an advisor or attend a Student Conduct Administrator Hearing. Similarly, parents or guardians of a responding person are not permitted to attend a Student Conduct Administrator Hearing. The responding person is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak for or to actively participate in any Student Conduct Administrator Hearing proceedings. An advisor may only consult and advise his or her advisee and cannot speak directly to the Student Conduct Administrator.
 - a. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the Student Conduct Administrator Hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. An advisor is expected to respect the integrity of the conduct hearing process and act in a professional and ethical manner at all times. During the hearing process, an advisor may have access to sensitive information regarding a student record and/or incident. It is required that an advisor maintain the privacy of all students and not discuss the incident or student information outlined in the Student Conduct Administrator Hearing outside of the necessary parties involved. The Family Educational Rights and Privacy Act of 1974 prohibits the unauthorized re-disclosure of student records.
- v. The responding person; and the Office of Student Conduct may arrange for witnesses to present pertinent information to the Student Conduct Administrator Hearing. Witnesses are those individuals present at the time of the incident, who have first-hand knowledge and are not considered individuals who serve only as character references. The Office of Student Conduct will try to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible. At the discretion of the Student Conduct Administrator, the responding person may or may not be permitted to be present while witnesses provide testimony to the Student Conduct Administrator Hearing at the discretion of the Administrator.
- vi. Questions of whether potential information will be received by the Student Conduct Administrator Hearing will be resolved in the discretion of the Office of Student Conduct. Witness testimony in writing must be documented officially with the Department of Campus Safety or the Office of Student Conduct. If a written statement is officially documented with the Department of Campus Safety or the Office of Student Conduct, such a written statement is permitted to serve as an official witness statement to the Student Conduct Administrator Hearing. This means that a witness does not necessarily need to be physically present in order to provide testimony to a Student Conduct Administrator Hearing.
- vii. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Administrator Hearing at the discretion of the Student Conduct Administrator.

- viii. All procedural questions are subject to the final decision of the Student Conduct Administrator.
 - ix. After the portion of the Student Conduct Administrator Hearing concludes in which all pertinent information has been received, the Student Conduct Administrator will determine whether the responding person has violated each section of the Student Code of Conduct which the responding person is charged with violating.
 - x. The Student Conduct Administrator's determination will be made on the basis of whether by a preponderance of the information that it is more likely than not that the accused student violated the Student Code of Conduct. Notes are taken during the hearing process and a summary of the testimony provided and the rationale of the Administrator's decision regarding responsibility and the sanction imposed (if any) may be provided for the accused student. The responding person must request the summary of testimony and/or the rationale of the Administrator's decision and any sanction in writing to studentconduct@ycp.edu within two business days of the hearing.
 - a. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in proceedings regarding alleged violations of the College Student Code of Conduct.
 - b. The responding person will be notified verbally of the hearing outcome at the conclusion of the hearing and will be notified of the decision in writing within three business days. If applicable, the reporting person will be notified of the written outcome.
 - xi. If a responding person, with notice, does not appear before a Student Conduct Administrator Hearing, the information in support of the charges, and any information that tends to dispute the charges, if known, will be presented and considered in the absence of the responding person.
 - xii. The Student Conduct Administrator Hearing may accommodate concerns for personal safety, well-being, or fears of confrontation of the reporting person, responding person, or any witness during the hearing by providing separate locations, permitting participation by telephone, as determined in the judgment of the Office of Student Conduct to be appropriate.
 - xiii. The Student Conduct Administrative Hearing will reasonably accommodate students with disabilities.
9. In cases assigned to a Student Conduct Hearing Board, the Student Conduct Hearing Board will determine based upon the preponderance of information presented in the hearing if a violation of Student Code of Conduct has occurred. Sanctions are recommended after a finding of responsibility. All sanctions provided by a Student Conduct Hearing Board are considered a recommendation to the Student Development Division/Office of Student Conduct. Hearing outcomes and sanctions may be reviewed, confirmed or adjusted. The responding person may appeal within three business days.
- a. Student Conduct Hearing Boards will be conducted according to the following guidelines:
 - i. Student Conduct Hearing Boards must be conducted in private.
 - ii. The responding person and an advisor, if any, will be allowed to attend the entire Student Conduct Hearing Board at which information is received (excluding deliberations). Admission of any other person to the Student Conduct Hearing Board shall be at the discretion of Office of Student Conduct and/or its Student Conduct Hearing Chairperson.

- iii. In the case of a Student Conduct Hearing Board involving more than one student alleged of violating College policy in the same incident, the Office of Student Conduct, in its discretion, may permit the Student Conduct Hearing Board to be conducted either separately or jointly.
- iv. The responding person may have an advisor as defined in Article I. The advisor must be a current faculty, staff, or administrator of the College. Consistent with the philosophy of the student conduct process being educational and not a legal process, attorneys are not permitted to serve as an advisor or attend a hearing before the Student Conduct Hearing Board. Similarly, parents or guardians of a responding person are not permitted to attend a Student Conduct Hearing Board. The responding person is responsible for presenting his or her own information, and therefore, advisors are not permitted to speak for or to actively participate in any Student Conduct Hearing Board proceedings. An advisor may only consult and advise his or her advisee and cannot speak directly to the Student Conduct Hearing Board.
 - a. A student should select an advisor whose schedule allows attendance at the scheduled date and time for the Student Conduct Hearing Board because delays will not normally be allowed due to the scheduling conflicts of an advisor. An advisor is expected to respect the integrity of the conduct hearing process and act in a professional and ethical manner at all times. During the hearing process, an advisor may have access to sensitive information regarding a student record or incident. It is required that an advisor maintain the privacy of all students and not discuss the incident or student information outlined in the Student Conduct Hearing Board outside of the necessary parties involved. The Family Educational Rights and Privacy Act of 1974 prohibits the unauthorized re-disclosure of student records.
- v. Questions of whether potential information will be received by the Student Conduct Hearing Board shall be resolved in the discretion of the Office of Student Conduct. Witness testimony in writing must be documented officially with the Department of Campus Safety and/or the Office of Student Conduct. Witness testimony in writing is permitted to serve as an official witness statement to the Student Conduct Hearing Board, meaning a witness does not necessarily need to be physically present in order to provide testimony to a Student Conduct Hearing Board. Written reporting person testimony, including an impact statement detailing how the reported incident has affected them, is also accepted as an official statement to the Student Conduct Hearing Board.
- vi. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Hearing Board at the discretion of the Chairperson.
- vii. All procedural questions are subject to the final decision of the Chairperson of the Student Conduct Hearing Board.
- viii. After the portion of the Student Conduct Hearing Board concludes in which all pertinent information has been received, the Student Conduct Hearing Board will determine (by majority vote) whether the responding person has violated each section of the Student Code he or she is charged with violating.
- ix. The Student Conduct Hearing Board's determination will be made on the basis of whether by a preponderance of the information that it is more likely than not that the accused student violated the Student Code of Conduct.

- x. Notes are taken during the hearing process. A summary of the testimony provided and the rationale of the board decision regarding responsibility and sanction imposed (if any) may be provided for the responding person. The responding person must request the summary of testimony and the rationale of the board decision and/or the sanction in writing to studentconduct@ycp.edu.
 - a. Formal rules of process, procedure, and technical rules of evidence, such as are applied in criminal or civil court, are not used in proceedings regarding alleged violations of the Student Code of Conduct.
- xi. The Office of Student Conduct may make audio recordings of hearings in which suspension or expulsion is a possible sanction. No other recording devices such as, tape recorders, cell phones, or video cameras are permitted during a Student Conduct Hearing.
- xii. If a responding person, with notice, does not appear before a Student Conduct Hearing Board, the information in support of the charges, and any information that tends to dispute the charges, if known, will be presented and considered in the absence of the responding person.
- xiii. The Student Conduct Hearing Board may accommodate concerns for personal safety, well-being, or fears of confrontation of the reporting person, responding person, and witness during the hearing by providing separate locations, permitting participation by telephone, as determined in the judgment of the Office of Student Conduct to be appropriate.
- xiv. The Student Conduct Hearing Board will reasonably accommodate students with disabilities.
- xv. Disclosure to the reporting person and responding person under the Sexual and Interpersonal Misconduct Policy are listed in Article V of this section.

10. The College reserves the right to conduct student conduct proceedings through remote technology, such as Zoom or a similar platform. Any technology that the College utilizes to conduct hearings will enable the respondent, any other party, witnesses, advisors, hearing officers, and hearing board members to simultaneously see and hear the person or witness speaking or answering questions.

C. Student Conduct Sanctioning

The College reserves the right to impose sanctions, up to and including expulsion from the College, if the student has engaged in activity in violation of the Student Code of Conduct. Sanctions imposed may include one or more of, but not limited to, those listed below. Copies of all sanction notices are maintained by the Office of Student Conduct under the supervision of the Student Development Division. Student conduct records that contain imposition of sanctions other than eviction from College residential facilities, suspension, or expulsion will be removed from the student's confidential record five (5) years after the student graduates or five (5) years after the student's last term of enrollment, whichever is later.

D. Expungement

A student may request that his/her student conduct record be expunged during the final semester of enrollment or after graduation. Expungement will be considered only for students with sanctions less than suspension or expulsion and at the discretion of the Offices of Student Affairs and Student Conduct. Please note the Department of Campus Safety does not expunge Campus Safety Reports. Minimum criteria include the following: 1) at least one calendar year with no violations of the Student Code of Conduct, 2) all sanction requirements have been completed, 3) all financial obligations at the College have been met, and 4) violations contained in the student's record are associated with non-violent behaviors. Individuals interested in having their conduct record expunged can do so by submitting in writing a request to the Dean of Student Development and Campus Life. Expungement Requests must meet

the criteria listed above, and contain a description of why the individual wishes to have their record expunged. They should also indicate how the expungement would help the individual reach their goals and what the individual has learned from their experience through the conduct process. Expungement requests are granted at the discretion of the Office of Student Affairs and in consultation with the Office of Student Conduct.

E. Interim Measures

- a. **Interim Suspension:** With the approval of the President, the Dean of Student Development and Campus Life, or a designee, the College has the authority to issue an interim College or residence hall suspension prior to a hearing or appeal process. Interim suspension may be imposed under the following circumstances: 1) during the investigatory stage to ensure the safety and well-being of members of the College community or preservation of College property; 2) if the student poses an ongoing threat of disruption of, or interference with, the normal operations of the College; or 3) in instances of a violation of College policy regarding Sexual and Interpersonal Misconduct.
 - i. During the interim suspension, a student is prohibited from accessing the residence halls and the campus (including classes).
 - ii. Interim Suspension status will be removed at the discretion of the Dean of Student Development and Campus Life, the Office of Student Conduct, or by the Student Conduct Hearing Board or Student Conduct Administrator assigned to conduct a hearing.
 - iii. If, in the judgment of the Student Conduct Hearing Board or the Student Conduct Administrator, the student is found not in violation of the Student Code of Conduct, the student will be given the right to make up any academic work missed as a result of the Interim Suspension.
- b. **Residence Hall Relocation:** A student may be temporarily reassigned to another residence hall on campus. Residence hall relocation may be imposed as a sanction, when appropriate, for violation of the Student Code of Conduct. If that occurs, the student will move into a location designated by the Office of Residence Life permanently.
- c. **No-Contact Directive:** The College may work with students to assign a no-contact directive when appropriate. A no-contact directive may be assigned in order to facilitate any College inquiry into an incident or be assigned as a sanction. Generally, no-contact is defined as having no direct or indirect contact between two or more students at any time. This includes, but is not limited to, communication that is considered written, electronic, verbal, or physical. Written and electronic communication is understood to include all electronic means of communication; including but not limited to, e-mail, instant messaging, social networking sites, text messaging, etc. Verbal communication is understood to include phone calls, voicemails, etc. A no-contact directive may include additional restrictions and terms.

B. Sanctions

The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct. More than one of the sanctions listed below may be imposed for any single violation. In addition, when determining the appropriate sanctions, the Student Conduct Administrator or Student Conduct Hearing Board may take into account any previous violations or sanctions imposed in a prior conduct proceeding. Parents/Guardians of a financially dependent student found responsible for a violation of the Student Code of Conduct, especially when a violation of the College's drug or alcohol policies has occurred, may be notified via postal mail regarding the incident.

- a. **Official Warning:** An official warning is a statement by a college official documenting a violation of the Student Code of Conduct by a student and the discussion regarding that violation. The student is warned that further violations may result in additional disciplinary action.

- b. **Fines/Community Restitution:** This sanction requires that students who are found in violation of certain policies pay a monetary fine, or bear responsibility for some form of community restitution (financial or otherwise).
- c. **Fire Safety:** This sanction requires that students who are found in violation of the fire safety policies will be required to take an educational online course or pay a monetary fine. Fines will be assessed based on the incident.
- d. **Educational Assignments:** This sanction requires that the student complete an assigned task with the purpose of educating the student about the implications, effects, or dangers of their behavior. These assignments can include, but are not limited to, work assignments, mandatory mentoring, anger management assessment, emotional control assessments, essays/reflections, alcohol and drug assessment or substance use advising, service to the College, community service, or other related discretionary assignments.
- e. **Loss of Privileges:** Denial of specified privileges for a designated period of time. This includes, but is not limited to, loss of position in club(s) or student organization(s), suspension from athletic team or performing group, loss of privileges to use specified facilities, prohibition from participation in co-curricular activities, loss of privilege to park or drive on campus, loss of privilege to live in residence hall or participate in housing selection, loss of ability to apply or be approved to live off campus.
- f. **Residence Hall Relocation:** This sanction allows for students to be assigned to a different residential space on campus if they violate policy or demonstrate an inability to continue living in their current community or room.
- g. **No-Contact Directive:** The College may work with students to assign a no-contact directive when appropriate. A no-contact directive may be assigned in order to facilitate any College inquiry into an incident or be assigned as a sanction. Generally, no-contact is defined as having no direct or indirect contact between two or more students at any time. This includes, but is not limited to, communication that is considered written, electronic, verbal, or physical. Written and electronic communication is understood to include all electronic means of communication; including but not limited to, e-mail, instant messaging, social networking sites, text messaging, etc. Verbal communication is understood to include phone calls, voicemails, etc. A no-contact directive may include additional restrictions and terms.
- h. **Disciplinary Probation:** This sanction applies to more serious or repeat violations of the Student Code of Conduct. Probation carries with it a specified probationary period during which the student may be restricted from specified College privileges and given specific probationary assignments, i.e., campus/community work detail, participation in educational programs, or other projects. Details of probation are outlined on a probationary contract or letter of probation from the College official issuing the determination. The specific requirements of each student's probation depend upon the case and the recommendations of Residence Life Staff, Department of Campus Safety, the Student Conduct Hearing Board, the Student Conduct Hearing Administrator or the Dean of Student Development and Campus Life, as appropriate. If the student is found to be in further violation of the Student Code of Conduct or in violation of the terms of the probationary contract, the student may face eviction from college residential facilities or suspension/expulsion from the College.
- i. **Eviction from College Residence Halls:** Upon rendering of a decision to evict a student from college residential facilities, the student is required to completely vacate the residence by a specified time and date. After the student has vacated the residential facility, they are no longer permitted to enter any York College residential facility. Further violations may result in more serious sanctions, including suspension or expulsion. The student may receive assistance in identifying available alternative housing, but housing costs and fees are not refunded.

- j. **Notice of Suspension:** This sanction is official notice that any future violations of the Student Code of Conduct will likely result in a student's dismissal from the institution for a specific duration determined by the Student Conduct Administrator or Student Conduct Hearing Board.
- k. **Suspension:** Suspension for conduct purposes involves a forced, temporary separation of a student from the College. All parties are notified in writing of the period of suspension. During the suspension period, the student is not permitted to enter the campus of York College for any reason without prior approval from the Dean of Student Development and Campus Life, Director of Residence Life, Assistant Director of Residence Life for Student Conduct or other designee. At the end of the period of suspension, the student is eligible to reapply through the Admissions Office, but must first request a conduct review with the Dean of Student Development and Campus Life. After this review, a decision will be made whether or not the student is eligible to return to the College. Tuition, housing costs, and fees are not refunded, but meal plans may be refunded at a prorated amount.
- l. **Expulsion:** Expulsion is a permanent separation of a student from the College. A student who is expelled for conduct reasons may not reapply for admission to the College. Administrative procedures, guidelines, and notification are identical to suspension. Students who are expelled from the College will be expected to vacate campus residential facilities (when applicable) the same day of expulsion, and are no longer permitted to enter the campus of the College for any reason without prior approval from the Dean of Student Development and Campus Life, Director of Residence Life, Assistant Director of Residence Life for Student Conduct or Department of Campus Safety.

C. Appeals

- a. The student may request an appeal of any sanctioning or disciplinary decision to the Office of Student Conduct. The Office of Student Conduct will determine if an Appellate Board will be convened to consider the appeal based on the criteria in section C. An appeal must be made in writing to studentconduct@ycp.edu and must be submitted within three business days of the time that the sanction was issued.
- b. The Office of Student Conduct in conjunction with the Dean of Student Development and Campus Life may decide not to hear an appeal if the contents of the appeal letter fall outside the criteria listed in section C. In such a circumstance, the decision of the Student Conduct Hearing Board or Student Conduct Hearing Administrator will stand. If the Office of Student Conduct agrees to hear an appeal based on one or more of the three criteria listed in section C below, an Appellate Board will be formed to review the information presented. Upon review of the information the Appellate Board may, adjust the finding, adjust the sanction, or refer the matter to the Student Conduct Hearing Board, Student Conduct Hearing Administrator, or the Office of Student Conduct for re-opening of a hearing to allow reconsideration of the original determination and/or sanctions. If an appeal is not permitted, the matter shall be considered final and binding upon all involved. Appellate Boards will be appointed at the sole discretion of the Dean of Student Development and Campus Life and/or the Office of Student Conduct.
- c. Determination of appeal will be made on the following grounds and by a preponderance of the information. The justification for all appeal grounds must be clearly outlined in the letter of appeal.
 - i. Prejudicial departure from the procedures outlined.
 - ii. Substantial new evidence or testimony not heard.
 - iii. The sanction deviates from the guidelines provided and is unduly harsh or inappropriate

Educational Programming

The College is committed to providing comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end sexual assault, dating violence, domestic violence and stalking. Educational programming consists of primary prevention and awareness programs directed at all incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees that:

- a. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct at York College;
- b. Provides VAWA definitions of domestic violence, dating violence, sexual assault, and stalking;
- c. Defines domestic violence, sexual assault and stalking in the Commonwealth of Pennsylvania; (*Pennsylvania does not have a definition for dating violence*)
- d. Defines what behavior and actions constitute Consent per York College policy and for the purposes the definition is used.
- e. Defines Consent in the Commonwealth of Pennsylvania;
- f. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- g. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
- h. Provides an overview of information contained in the Annual Security report in compliance with the Clery Act, specific to programs to prevent dating violence, domestic violence, sexual assault and stalking and the procedures the College will follow when one of these crimes are reported, including applicable disciplinary action.
- i. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome.
- j. Consider the environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The College offered the following primary and ongoing prevention and awareness programs for student and employees in **2023**:

Primary Programming for Students:

Title IX Consent Program, Sex Signals: 8/19/23, WPAC Theater

During August Orientation, all first-year students are required to attend this interactive program on sexual assault awareness including topics regarding sexual assault, sexual harassment, rape, dating violence, domestic violence, by-stander intervention, stalking, party scene/alcohol use. This program is put on by Catharsis Productions and meets all requirements for primary educational programming as required by the Violence against Women Act.

Campus Safety & You: 8/20/2023, 3:00 pm-4:15 pm, and 4:30 pm-5:45 PM, WPAC theater. 1/25/2023, 10:30 am- 11:30 AM.

During January and August Orientation, Campus Safety and the Student Conduct Office conduct a mandatory program that covers topics related to alcohol and drug awareness and policies, security, general safety, emergency alerts and Timely Warnings, active shooter procedures, sexual assault prevention, by-stander intervention techniques, dating violence, domestic violence, stalking education/prevention and campus response, and Title IX awareness for all new students. This program meets all requirements for primary educational programming as required by the Violence against Women Act.

Healthy Relationships: 1/25/2023, 2:00 pm – 3:00 pm, Weinstock Lecture Hall

A presentation to all incoming freshman and transfer students during January New Student Orientation on sexual violence prevention including active bystander training. Stalking, domestic violence and dating violence prevention and awareness are also covered. The training was conducted by the Title IX Coordinator.

On-going Prevention Programming for Students:

One Love Foundation, Relationship Violence/Bystander Intervention Workshops: 3/19/23, 9/17/23, 10/29/23, 10/2/23,

The One Love Foundation is dedicated to ending relationship abuse by educating, empowering, and activating young people in a movement for change. This workshop consists of a 40-minute film followed by a 40-minute guided discussion geared towards helping students understand the warning signs of abuse, while also promoting healthy relationships. 149 student athletes attended the workshops.

Greek New Member 101: 2/21/23, 2/28/23, 3/7/23, 3/14/23, 10/4/23, 10/11/23, 10/18/23, 10/25/23, William Walker Room

All newly accepted Greek Students are required to attend this session which discusses their new member process and covers topics surrounding hazing, alcohol/drug use, and briefly touches on sexual assault (in relation to alcohol use/hazing). This occurs every semester.

Train the Trainer - Orientation Leaders for Title IX Consent Program: 8/15/2023, 1:00 – 2:30 PM DeMeester Theater

Review Sex Signals Consent program presented by the Title IX Coordinator and Counseling Services.

ExCel Leadership Series Event: Bystander Intervention, 9/14/23, 11:00 AM, DeMeester Recital Hall

A Bystander intervention training program open to all students to attend.

Sex Signals Debrief: 8/18/23, 5:15 - 6:00 PM, 7:15 - 8:00 PM, Humanities 218

A drop-in for students to debrief after the Sex Signals programs to talk with Counseling Services, Title IX Coordinator, or YMCA victim advocates.

Be-Leaf in Yourself: 9/18-22/23, various locations across campus

Providing pick-me-up bags filled with helpful information on self-care, healthy relationships and ways to have a successful fall semester. Bags were distributed to students randomly throughout the week at various locations across campus. Students learned about helpful campus resources, including Counseling Services, Health Services, TimelyCare and Title IX.

Title IX Training for Resident Assistants: 8/10/2023

This session is a part of the annual Resident Assistant training program designed to prepare the student staff to enforce policy and offer resources to residential students on campus. This training helps the RAs understand their role as mandated reporters, the referral process, Title IX Office resources.

Title IX Social Media Campaign: 9/10/23 - 10/15/23

The Title IX Office posts messages on various social media platforms to educate students about the members of the Title IX team, introduce the confidential advocates, promote their training and educational programs and provide information about important events such as Domestic Violence Awareness Month.

Primary and On-going Programming for Employees:

Safe Colleges Title IX and Campus Security Authority Employee Training: Various dates and times (on-line program) These on-line training programs are completed by new employees upon hire and annually by York College employees who are either designated as Campus Security Authorities and/or Title IX mandated reporters. The programs educate our employees about their responsibilities.

Trauma Informed Training for Campus Hearing Board Members: 8/1/23

This training is designed to help hearing board members be better prepared to interact with students in the conduct process who have experienced trauma.

Title IX Training for Student Conduct Hearing Board Members: 8/1/23

Annual training designed to prepare student conduct hearing board members to interact with students in the conduct process who may have experienced trauma.

Title IX Training for Professional Staff: 7/13/23

Annual training that is created for the professional staff in the Residence Life Office. The training is designed to teach them about their role as mandated reporters, the referral process and Title IX Office resources.

On-going Programming for Employees:

See Other Title IX Training programs open to employees listed below

Other Title IX Training Provided by the Title IX Office

- Title IX Basics (EE's)
- Title IX Roles of Employees
- Dating Violence: Identification and Prevention (EE's)
- Clery Act Overview (EE's)
- Title IX RA Training Fall 2023
- Residence Life Pro Staff Training Seminar 2023
- Title IX Training for Senior Nursing Leadership Course (Spring 2023)
- What does consent have to do with it - Spring & Fall 2023
- Title IX Meet and Greet, Programming and Resources, and January Orientation - This Shouldn't Be So Hard - Fall and Spring 2023
- What is Sexual Harassment Spring 2023
- Sex Signals - Orientation Leaders - Fall 2023
- Intro to Title IX Policy & Procedures - Fall 2023
- Bystander Training o- Mini Lesson for Res Life Fall 2023
- Title IX Internship for Engineering - Fall 2023
- Intro to TIX (Part One) - Victimology Course - Fall 2023
- Intro to Prevention (Part Two) - Victimology Course - Fall 2023

Important Definitions Regarding Educational Programming

Primary prevention: The term **primary prevention** refers to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

Awareness programs: The term **awareness programs** refer to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus communitywide mobilizations as well as targeted audience specific programming (including both students and employees). Awareness month campaigns, "Speak Outs," rallies or marches, informational poster campaigns or resource websites, and educational programming that focuses on sharing resources and information about these issues are examples of awareness programs.

Bystander intervention: The term **bystander intervention** refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and take action.

Risk reduction: The term **risk reduction** refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate sexual violence, domestic violence & stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communication system that can notify the entire campus community of immediate threats to security.

Ongoing awareness and prevention campaigns: The term **ongoing awareness and prevention campaigns** refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to sexual assault, domestic violence and stalking prevention. These programs will occur at different levels throughout the institution (i.e., faculty, athletics, and incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

Relationship Violence—Warning Signs and How to Get Help *(Adapted from the National Center for Victims of Crime)*

Relationship violence can happen to anyone of any race, age, sexual orientation, religion or gender.

It can happen to couples who are married, living together or who are dating. Relationship violence affects people of all socioeconomic backgrounds and education levels.

Abuse is a repetitive pattern of behaviors used to maintain power and control over an intimate partner. These are behaviors that physically harm, arouse fear, prevent a partner from doing what they wish or force them to behave in ways they do not want. Abuse includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation. Many of these different forms of abuse can be going on at any one time.

You may be experiencing physical abuse if your partner has done or repeatedly does any of the following tactics of abuse:

- Pulling your hair, punching, slapping, kicking, biting or choking you
- Forbidding you from eating or sleeping
- Damaging your property when they're angry (throwing objects, punching walls, kicking doors, etc.)
- Using weapons to threaten to hurt you, or actually hurting you with weapons
- Trapping you in your home or keeps you from leaving
- Preventing you from calling the police or seeking medical attention
- Abandoning you in unfamiliar places
- Driving recklessly or dangerously when you are in the car with them
- Forcing you to use drugs or alcohol (especially if you've had a substance abuse problem in the past)

You may be in an emotionally abusive relationship if your partner exerts control through:

- Calling you names, insulting you or continually criticizing you
- Refusing to trust you and acting jealous or possessive
- Trying to isolate you from family or friends
- Monitoring where you go, who you call and who you spend time with
- Demanding to know where you are every minute
- Punishing you by withholding affection
- Threatening to hurt you, your family or your pets
- Humiliating you in any way
- Blaming you for the abuse
- Accusing you of cheating and being often jealous of your outside relationships
- Serially cheating on you and then blaming you for his or her behavior
- Cheating on you intentionally to hurt you and then threatening to cheat again
- Cheating to prove that they are more desired, worthy, etc. than you are
- Attempting to control your appearance: what you wear, how much/little makeup you wear, etc.
- Telling you that you will never find anyone better, or that you are lucky to be with a person like them

How to get help:

- Contact the Spring Garden or York City Police by calling 911, Campus Safety at 717-815-1314, the Domestic Violence Hotlines (national: 800.799.7233; York County: 800-262-8444) or York College Counseling Service at 717-815-6437, to get information on campus and local resources as well as your legal options.
- Identify your partner's use and level of force so that you can assess the risk of physical danger to you and others before it occurs.
- If possible, have a phone accessible at all times and know what numbers to call for help. Know where the nearest public phone is located. Know the phone number to your local battered women's shelter. If your safety is at risk, call the local police at 911, or if you are on campus, call Campus Safety at 717-815-1314
- Let trusted friends and neighbors know of your situation and develop a plan and visual signal for when you need help.

What to Do If You Have Been a Bystander to an Incident of Sexual and/or Interpersonal Misconduct

If you have been a witness or a bystander to an incident of sexual and/or interpersonal misconduct it is imperative that you seek out resources and information to help yourself and to support the person to whom the behavior of sexual and/or interpersonal violence is directed. A bystander is an individual other than the person to whom the behavior is directed who is present when an act of sexual and/or interpersonal misconduct is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent an act of sexual and/or interpersonal misconduct. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Examples of active bystander intervention include, but are not limited to:

- not leaving an intoxicated friend in a party/bar alone
- walking a classmate to his/her car after night class
- calling the Department of Campus Safety (on campus incidents) or local law enforcement (off campus) when a potentially violent situation is unfolding
- not leaving an unconscious person alone (alerting an RA, Department of Campus Safety, local law enforcement, etc.)

- intervening when someone is being belittled, degraded, or emotionally abused (walking the individual away from the situation or calling for help)

As a York College of Pennsylvania community, we want to help each other to be successful both inside and outside of the classroom. If you believe you have been a bystander of an act of sexual and/or Interpersonal misconduct, please report the issue right away to the Title IX Coordinator.

Risk Reduction Tips

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. Sexual violence, dating violence, and stalking is never the victim's fault. The tips outlined below are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization and assault.

Reducing Risk of Non-Consensual Acts:

- 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 care of your friends and ask that they take care of you. A real friend will challenge you if you are questioning a decision. Respect them when they do.

Reducing Risk of Committing Unwanted Sexual Act:

If you find yourself in the position of being the initiator of sexual behavior, you owe respect to yourself and 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.
- Don't 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 or 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 each other. Your partner may not have figured out how far he or she wants to go with you yet. You must respect the timeline for sexual behaviors with which your partner is comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender, size, or position in a club or organization. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.

(Adapted from The NCHERM Group/ATIXA. (2014). ATIXA gender-based and sexual misconduct model policy and model grievance process. Retrieved from https://www.atixa.org/wordpress/wp-content/uploads/2012/01/ATIXA-Model-Policy_updated-0314.pdf)

Pennsylvania State Victims' Rights Statute

York College is obligated under federal law to inform reporting persons (referred to as victims in PA law) of sexual assault or harassment of their rights under Pennsylvania state law. Please note that the College Student Conduct Process is not a criminal or civil process; however, the College will provide certain information to reporting persons and responding students under the Student Code of Conduct. Under Pennsylvania law, a victim of domestic violence, dating violence, sexual assault or stalking have the rights as outlined under the Pennsylvania Crime Victims Act (TITLE 18. CRIMES AND OFFENSES- CHAPTER 2. CRIME VICTIMS ACT- CHAPTER - 2. CRIME VICTIMS - SUBCHAPTER A. BILL OF RIGHTS - 18 P.S. § 11.201 (2009) § 11.201. Rights). Victims of crime have the following rights:

- To receive basic information concerning the services available for victims of crime.
- To be notified of certain significant actions and proceedings within the criminal and juvenile justice systems pertaining to their case. This paragraph includes all of the following:
 - Access to information regarding whether the juvenile was detained or released following arrest and whether a petition alleging delinquency has been filed.
 - Immediate notification of a juvenile's pre-adjudication escape from a detention center or shelter facility and of the juvenile's subsequent apprehension.
 - Access to information regarding the grant or denial of bail to an adult.
 - Immediate notification of an adult offender's pretrial escape from a local correctional facility and of the offender's subsequent apprehension.
- To be accompanied at certain criminal and all juvenile proceedings in accordance with 42 Pa.C.S. § 6336(d) (relating to conduct of hearings) by a family member, a victim advocate or other person providing assistance or support.
- In cases involving a personal injury crime or burglary, to submit prior comment to the prosecutor's office or juvenile probation office, as appropriate to the circumstances of the case, on the potential reduction or dropping of any charge or changing of a plea in a criminal or delinquency proceeding, or, diversion of any case, including an informal adjustment or consent decree.
- In cases involving a personal injury crime, to receive notice and provide comment to the sentencing court when the prosecutor's office requests an eligibility requirements waiver as part of Recidivism Risk Reduction Incentive (RRRI) sentence (61 Pa.C.S. § 4504).
- To have opportunity to offer prior comment on the sentencing of a defendant or the disposition of a delinquent child, to include the submission of a written and oral victim impact statement detailing the physical, psychological and economic effects of the crime on the victim and the victim's family. The written statement shall be included in any predisposition or pre-sentence report submitted to the court. Victim-impact statements shall be considered by a court when determining the disposition of a juvenile or sentence of an adult (18 P.S. § 11.201).
- To have notice and to provide prior comment on a judicial recommendation that the defendant participate in a motivational boot camp (61 Pa.C.S. § 3905), known as the Motivational Boot Camp Act.
- To have notice of and to provide comment on defendant's medical release petition submitted to the court and to receive notice of final adjudication (42 Pa. C.S. Section 9777).
- Upon request of the victim of a personal injury crime, to have the opportunity to submit written comment or present oral testimony at a disposition review hearing, which comment or testimony shall be considered by the court when reviewing the disposition of the juvenile.

- To be restored, to the extent possible, to the pre-crime economic status through the provision of restitution, compensation and the expeditious return of property which is seized as evidence in the case when in the judgment of the prosecutor the evidence is no longer needed for prosecution of the case (18 Pa. C.S. 1106(c)).
- In personal injury crimes where the adult is sentenced to a State correctional facility, to be:
- Given the opportunity to provide prior comment on and to receive State post-sentencing release decisions, including work release, furlough, parole, pardon or community treatment center placement;
- Provided immediate notice of an escape of the adult and of subsequent apprehension; and
- Given the opportunity to receive notice of and to provide prior comment on a recommendation sought by the Department of Corrections that the offender participate in a motivational boot camp pursuant to the Motivational Boot Camp Act.
- In personal injury crimes where the adult is sentenced to a local correctional facility, to:
- receive notice of the date of the release of the adult, including work release, furlough, parole, release from a boot camp or community treatment center placement (42 Pa. C.S. Section 9813); and
- be provided with immediate notice of an escape of the adult and of subsequent apprehension.
- If, upon the request of the victim of a personal injury crime committed by a juvenile, the juvenile is ordered to residential placement, a shelter facility or a detention center, to:
- Receive prior notice of the date of the release of the juvenile, including temporary leave or home pass.
- Be provided with:
- immediate notice of an escape of the juvenile, including failure to return from temporary leave or home pass; and
- immediate notice of re-apprehension of the juvenile.
- Be provided with notice of transfer of a juvenile who has been adjudicated delinquent from a placement facility that is contrary to a previous court order or placement plan approved at a disposition review hearing and to have the opportunity to express a written objection prior to the release or transfer of the juvenile.
- If the adult is subject to an order under 23 Pa.C.S. Ch. 61 (relating to Protection from Abuse Act) and is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, to receive immediate notice of the release of the adult on bail (18 P.S. Section 11.201).
- To receive notice if an adult is committed to a mental health facility from a State correctional institution and notice of the discharge, transfer or escape of the adult from the mental health facility.
- To have assistance in the preparation of, submission of and follow-up on financial assistance claims to the bureau.
- To be notified of the details of the final disposition of the case of a juvenile consistent with 42 Pa.C.S. § 6336(e) (relating to conduct of hearings).
- Upon the request of the victim of a personal injury crime, to be notified of the termination of the courts' jurisdiction.

Anti-Discrimination/Ethnic Intimidation Policy

All students are encouraged to participate in college activities regardless of sex, race, color, creed, national origin, religion, sexual orientation, disability, social affiliation or age. York College does not tolerate and takes a firm position against all forms of discrimination as noted. Intimidation includes, but is not limited to: threats or bullying of any kind, physical harm or threats thereof, defacing or destruction of campus property or an individual's personal property. Any student, who feels that he or she is a victim of discrimination or ethnic

intimidation, or any such harassment, may initiate a complaint through the student grievance procedure and legal channels. Contact: Campus Safety, Manor Northeast, (717) 815-1314, Student Development, Miller Administration Building, (717) 815-1461 or the Diversity and Inclusion Office, Student Union, (717) 815-1916.

Consensual Relationships

York College's policy on sexual harassment includes prohibition of consensual romantic or sexual relationships between York College employees (faculty, staff, or administration) and any traditional undergraduate student and/or any supervisee. Further, such relationships are prohibited between said employees and any nontraditional student (over 25 years of age) or graduate student for whom the employee has or is likely to have an evaluative or supervisory responsibility.

If a situation is potentially in violation of this policy, the employee is required to disclose it to the Title IX Coordinator. Anyone subjected to acts of sexual harassment should immediately report it to the Title IX Coordinator. Student workers or students in the classroom should also report to the Title IX Coordinator.

Employee Sexual and Other Harassment Policy

York College is an equal opportunity employer and institution of higher education. We support legislation that protects College personnel and students against unlawful discrimination of any kind, including sexual harassment, and affirm the commitment of York College to ensure a fair, humane, and respectful environment for all employees and students.

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and is illegal, sex-based discrimination under Title IX of the Education Amendments Act of 1972. It is against the policy of York College of Pennsylvania for any person (faculty, administrator, staff member, or student), male or female, to engage in sexual harassment of another person (faculty, administrator, staff member, or student). Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and/or other conduct of a sexual nature. Sexual harassment can be verbal (sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats), non-verbal (sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures), and/or physical (unwanted physical contact including touching, pinching, brushing the body, coerced sexual intercourse, assault). This conduct constitutes sexual harassment in the following circumstances:

1. When it is made either explicitly or implicitly a condition of an employee's employment, or a student's academic assessment, or progress, or participation in college activities.
2. When submission to or a rejection of such conduct is made the basis for employment decisions or decisions affecting academic assessment, progress or status, or participation in other college activities.
3. When such conduct creates an intimidating, hostile, or offensive working or learning environment.

All personnel including faculty, administrators, staff members, and students will be expected to comply with this policy and take appropriate measures to ensure that sexual harassment does not occur. Appropriate disciplinary action, up to and including termination or expulsion, will be taken against anyone who violates this policy in accord with relevant York College disciplinary procedures for that person's cohort group (faculty, administrators, staff members, or students).

York College has a designated Title IX coordinator who is responsible for overseeing all Title IX complaints and identifying and addressing any patterns or systematic problems that arise during the review of such complaints. The Title IX coordinator is available to meet with students and employees as needed.

York College Title IX Coordinator: Vicki Stewart. Phone: 717-815-1440. Office Location: Human Resources Office in Manor Northeast, Email: titleix@ycp.edu.

Sex Offender Registration Information

The Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921) is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. This federal law

requires state law enforcement agencies to provide York College with a list of registered sex offenders who have indicated that they are enrolled, employed or carrying on a vocation at York College of Pennsylvania.

In accordance with Pennsylvania State Law, known sex offenders must register in the community in which they reside. York College also requires that the student or employee register with The Department of Campus Safety. Failure to register may result in immediate expulsion or dismissal from the College. York College reserves the right to dismiss a student or employee if it is deemed necessary in the interests of public safety, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

The Department of Campus Safety will maintain this list and make it available in its office in the Manor Northeast. In addition, a list of all registered sex offenders in Pennsylvania is available from the Pennsylvania State Police at <http://www.pameganslaw.state.pa.us>.

The Campus Sex Crimes Prevention Act amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Confidentiality

All personally identifiable information related to particular students used to make decisions about students or for transmittal to others outside the College other than directory information as defined above is considered confidential information. This information includes, but is not necessarily limited to: academic evaluations, disciplinary records, financial aid records, letters of recommendation, health or medical records, counseling records, advising records, transcripts, test scores, social security number, employment records, and other academic records. Note: Confidential letters of recommendation are those to which students have waived access.

Third parties do not have access to confidential records without the written consent of the student specifying the records to be released and to whom the records are to be released. Exceptions to this restriction are:

1. Parental rights of access to educational records depend on the student's financial status, either dependent or independent as defined above.
2. College employees who require access on an internal need-to-know basis for legitimate educational purposes.
3. Records released pursuant to judicial order.
4. Records released in connection with the student's application for or receipt of financial aid.
5. York College of Pennsylvania's Counseling Services are confidential and in accordance with the American Counseling Association's Code of Ethics. Except as provided above, no information will be released to any person without the student's written permission.

Parental Notification of Student Records and College Matters

Parents or legal guardians of financially dependent students may be notified by the Student Development Office/College officials when their son or daughter has been responsible for a violation of the College's Student Code of Conduct, especially when a violation of the College Alcohol or Drug Policy has occurred, or when a student has been suspended/expelled from the College. Students and parents are encouraged to discuss these disciplinary matters to assist in the attainment of behavioral improvement.

Child Abuse Reporting Policy

All faculty, staff, administrators, student health employees, members of the Campus Safety Department, and any individual who may come into contact with children through any college sponsored program, activity, camp, conference, retreat, academic presentation or any other college programs are required to report incidents of child abuse when they have witnessed and/or have reasonable cause to suspect that a child (under 18 years old) under the care, supervision, guidance or training of any adult on our campus is being or has been abused. If your responsibility is not listed above, but you come into contact with children in the course of your employment,

you have a mandatory reporting obligation. Students, guests and other members of the College community are strongly encouraged to follow the same procedures.

Make a report as soon as possible utilizing the following procedure:

- First, immediately report the matter to the York College Department of Campus Safety at (717) 815-1314 and the Director of Campus Safety at ebruder@ycp.edu. Campus Safety is available 24 hours daily; if for some reason you are unable to contact the Campus Safety Department, contact the Title IX Coordinator at (717) 815-1440, titleix@ycp.edu. Upon a receipt of a report, the Campus Safety Department must immediately notify the Campus Safety Director, or in his or her absence, his designee.
- Employees must also inform their immediate supervisor. An initial oral report to your supervisor is acceptable, but written detail should be supplied upon request. For athletic staff, reports must also be made to the Director of Athletics.
- College employees, who are also registered medical professionals, must concurrently report all injuries caused by suspected child abuse to the local or state police.
- The Director of Campus Safety or his/her designee within the Campus Safety Department is responsible and has the obligation to report suspected child abuse to the Department of Public Welfare. Reports must be made orally, and immediately, to the Department of Public Welfare's ChildLine at (800) 932-0313. The Director of Campus Safety shall notify the reporting employee that the report was made after making the initial oral report to ChildLine. Within 48 hours of reporting to ChildLine, the Director of Campus Safety or his/her designee in the Campus Safety Department must make a written report on forms provided by the Department of Public Welfare (Report of Suspected Child Abuse [CY-47]) to the county children and youth agency in the county where the suspected child abuse occurred. The Department of Campus Safety shall maintain records of all reports made under this Policy. In cases where the Director of Campus Safety cannot or is not involved, the Title IX Coordinator shall be the designated person for purposes of the reporting and recordkeeping obligations hereunder.
- Any person who makes a good faith report of child abuse may not be subjected to retaliation in employment.

There are four categories of child abuse covered under the law:

- Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child.
- An act or failure to act by a perpetrator which causes non-accidental serious mental injury to or sexual abuse or sexual exploitation of a child.
- Any recent act, failure to act or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to or sexual abuse or sexual exploitation of a child under 18 years of age.
- Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision or the failure to provide the essentials of life, including adequate medical care, which endangers a child's life or development or impairs the child's functioning.
- No child shall be deemed physically or mentally abused based on injuries that result solely from environmental factors that are beyond the control of the parent or person responsible for the child's welfare, such as inadequate housing, furnishings, income, clothing, and medical care.

Note: The York College Department of Campus Safety reserves the right to change or cancel-without notice-policies, regulations, procedures, or any of the following information, based on the needs of the York College community and new compliance standards enacted by the Department of Education for the Student Right to Know and Campus Security Act.

CAMPUS CRIME STATISTICS DEFINITIONS

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

- **Sex Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape:** 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.
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

The state of Pennsylvania defines Sexual Assault (Pa 18 CS 3124.1) as engaging in sexual intercourse or deviate sexual intercourse with a person, without the person's consent. The crimes defined under Pennsylvania law as rape (Pa 18 CS §3121) and involuntary deviate sexual intercourse (Pa 18 CS §3123) are not included in this definition and are considered separate crimes.

- **Dating Violence:** Violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; the existence of such a relationship shall be based on the reporting party's statement and with consideration of the length and type of relationship; and the frequency of interaction between the persons involved in the relationship.
 - For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
 - For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

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 in which the crime of violence occurred.

Pennsylvania law (Pa 23 CSA §6102) defines domestic abuse as knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in a repetitive conduct toward a certain person that puts them in fear of bodily injury. These acts can take place between family or household members, sexual partners or those who share biological parenthood in order to qualify as domestic abuse.

- **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. For the purposes of this definition—

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

Pennsylvania law (Pa 18 CS § 2709.1) defines Stalking when a person either:

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

Definitions of reportable locations

- **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. This also includes any building or property that is within or reasonably contiguous to the institution, that is owned by the institution, but controlled by another person, is frequently used by students, and supports institutional purposes.
- **Residential Facilities:** A subset of the on-campus category that specifies the incidents reported in campus owned or controlled dormitories, apartments, houses, or other facilities used to house students.
- **Non-campus Building or Property:** Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. This also includes any building or property owned or controlled by a student organization that is officially recognized by 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.
- **Unfounded:** If a crime is reported as occurring On Campus, in On-Campus Residential Facilities, in or on non-campus buildings or property, or on Public Property, and the reported crime is investigated by law enforcement authorities and through the investigation determined to be false or baseless, the crime is considered to be "unfounded". Only sworn or commissioned law enforcement personnel may unfound a crime.

Criminal Offenses

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	9	5	2	9	5	1	0	0	0	0	0	0	0	0	0
Fondling	2	3	1	2	2	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	11	8	11	4	3	4	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	1	1	0	1	0	0	0	0	0	0	0	0	0
Dating Violence	3	3	3	3	2	2	0	0	0	0	0	0	0	0	0
Robbery	0	1	1	0	0	0	0	0	0	0	1	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	3	1	0	1	1	0	0	0	0	0	0	0	1	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	4	2	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

DISCIPLINARY REFERRALS

Liquor Law Violations	75	51	59	53	42	42	0	0	0	0	1	0	0	0	0
Drug Law Violations	32	19	26	29	16	22	0	0	0	0	0	0	0	0	0
Illegal Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

ARRESTS

Liquor Law Violations	2	13	10	0	3	3	0	0	0	0	1	0	0	0	0
Drug Law Violations	0	0	2	0	0	0	0	0	0	0	2	1	0	0	0
Weapons Law Violations	0	0	1	0	0	0	0	0	0	1	0	1	0	0	0

* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

Clery Hate Crime Statistics

	Race			Gender			Religion			Sexual Orientation			Ethnicity			Disability			National Origin			Gender Identity					
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	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	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Any Other Crime	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction of Property	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Totals:	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset of the Total On-Campus category.

Hate Crimes by Race

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	1	1	0	1	1	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset of the Total On-Campus category.

Hate Crimes by Gender

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

Hate Crimes by Religion

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

Hate Crimes by Sexual Orientation

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

Hate Crimes by Ethnicity

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center, the Center for Community Engagement and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

Hate Crimes by Disability

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

Hate Crimes by National Origin

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

Hate Crimes by Gender Identity

	Total On-Campus			Residential Facility**			Non-campus* Building or Property			Public Property			Unfounded		
	2021	2022	2023	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	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	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	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny - Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property (Except Arson)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

* - Non-Campus property includes the Marketview Arts Center and temporary off-campus residential accommodations.

** - This is a subset on the Total On-Campus category.

2021 - 2023 Campus Crime Rates and Statistics

This report is presented in compliance with the Pennsylvania College and University Security Information Act. This report requires the inclusion of a broader range of reportable crimes than federal requirements. Crime rates for each individual offense are also included. In certain circumstances the number of reported crimes may appear to differ when comparing this report to Clery statistics due to slightly different reporting requirements.

2023

Full-Time Equivalent Students 3,249
Full-Time Equivalent Employees 588

2022

Full-Time Equivalent Students 3,241
Full-Time Equivalent Employees 585

2021

Full-Time Equivalent Students 3,479
Full-Time Equivalent Employees 595

Incident Category	2023		2022		2021	
	No. Incidents Reported	Incidents Per FTE Employees	No. Incidents Reported	Incidents Per FTE Employees	No. Incidents Reported	Incidents Per FTE Employees
Assaults:						
Aggravated	0	0.0000	0	0.0000	0	0.0000
Nonaggravated	1	0.0003	1	0.0003	3	0.0009
Arson	0	0.0000	0	0.0000	0	0.0000
Burglary:						
Forcible entry	1	0.0003	4	0.0012	0	0.0000
Unlawful entry-no force	1	0.0003	0	0.0000	0	0.0000
Attempted forcible entry	0	0.0000	0	0.0000	0	0.0000
Criminal Homicide	0	0.0000	0	0.0000	0	0.0000
Disorderly Conduct	6	0.0018	5	0.0015	4	0.0011
Driving Under the Influence	1	0.0003	0	0.0000	0	0.0000
Drug Abuse Violations:	22	0.0068	18	0.0056	23	0.0066
Marijuana Possessions	22	0.0068	18	0.0056	23	0.0066
Marijuana Sale / Mfg.	0	0.0000	0	0.0000	0	0.0000
Synthetic Drug Poss.	0	0.0000	0	0.0000	0	0.0000
Synthetic Sale / Mfg.	0	0.0000	0	0.0000	0	0.0000
Drunkness	9	0.0028	18	0.0056	16	0.0046
Embezzlement	0	0.0000	0	0.0000	0	0.0000
Rape	2	0.0006	5	0.0015	9	0.0026
Forgery and Counterfeiting	2	0.0006	0	0.0000	1	0.0003
Fraud	6	0.0018	2	0.0006	3	0.0009
Gambling	0	0.0000	0	0.0000	0	0.0000
Larceny/Thefts	59	0.0182	27	0.0083	25	0.0072
Liquor Law Violations	41	0.0126	30	0.0093	34	0.0098
Motor Vehicle Theft	1	0.0003	4	0.0012	0	0.0000
Offenses Against Family	0	0.0000	0	0.0000	0	0.0000
Prostitution	0	0.0000	0	0.0000	0	0.0000
Robbery	1	0.0003	2	0.0006	0	0.0000
Sex Offenses:	1	0.0003	3	0.0009	1	0.0003
Stolen Property:						
Receiving, Possession	0	0.0000	1	0.0003	0	0.0000
Vagrancy	0	0.0000	0	0.0000	0	0.0000
Vandalism	12	0.0037	12	0.0037	13	0.0037
Weapons Possession	1	0.0003	0	0.0000	0	0.0000
Other Offenses	41	0.0126	30	0.0093	66	0.0190

Annual Fire Safety Report, 2024

Evacuation Procedures for Students and Employees in the Case of a Fire

If you discover fire or smoke, your first thought should be to get to a safe place and warn others.

- Pull the nearest fire alarm.
- Call 9-1-1; state the nature of the emergency (fire or smoke), location, and your name. Although this is important, never call from a place where you are in danger.
- Before opening a door, feel the handle with the back of your hand. If it is hot, do not open it.
- Evacuate the building immediately by way of the nearest exit and proceed to the designated assembly area for your building.
- Know the locations of fire extinguishers, fire alarm pull-stations, and exits.
- Building occupants should use the stairs to exit the building. Elevators will be recalled to the first floor in the event of an alarm and will be inoperable.
- If you encounter smoke, stay as low as you to the floor can while you are evacuating.
- You can help to confine the fire, if possible, by closing doors and windows while exiting.
- Assist anyone who needs help evacuating.
- Remain outside at your assigned assembly area until directed to re-enter by the fire department or Campus Safety personnel.

Evacuation of Student Housing Facilities

Students residing in campus housing should follow the same procedures as above, while evacuating to one of the following assembly locations:

Residence Hall Evacuation Assembly Areas

Building	Assembly Area
Arnold House	Side faculty lot
Beard Hall	Parking lot by foot bridge
Chapel	Lawn area southwest of Chapel
Codorus Hall	Parking bay #10
Spring Garden, Brockie Commons, Richland Hall	Quad Area Lawn
Curry House	Wolf Hall parking lot
Newberry House	Back lawn of Beard Hall
Keiffer House	Wolf Hall parking lot
Little Run Lodge	Quad Area Lawn
Manor North, Northeast	Lawn area by tennis courts
Manor South, East & West	Lawn area by tennis courts
Northside Commons	Mall area south of Northside Commons
Penn, Willow, Laurel, Evergreen	Third and fourth parking bays
Pershing House	Front lawn
Springettsbury Apartments	Sidewalk across the street
Springettsbury House	Sidewalk across the street

Susquehanna Hall	Parking bay #11
Tyler Run 360 & 380	Jackson Street lot
Tyler Run III	Commuter parking plaza
Wenger House	Rear Campbell Hall parking area

Campus Safety Policies and Information

Fire Prevention Is Our Best Defense

Smoking and Tobacco Use Policy

The College strives to provide a productive, healthy, safe, and comfortable working environment for all employees, students, and visitors. York College of Pennsylvania is a smoke and tobacco free campus. Smoking, and the use of smokeless tobacco is strictly prohibited in all buildings and on all outdoor properties of the College. Employees are permitted to leave their workspace to smoke off campus property only during scheduled break times.

Those who violate this policy are subject to disciplinary actions.

Rules for Portable Electrical Appliances

Due to the limited electrical capacity of each area, and for reasons of fire safety, the student is required to observe the following:

1. All electrical devices must carry the approval label of the Underwriters Laboratory.
2. Use of multi-plug extension cords is limited to surge protector devices only, and should be only used one per outlet.
3. Use of any kitchen/cooking appliance is prohibited in all traditional and suite style student rooms except for microwave ovens rented through the service provided. Microwaves in apartments must be 700 watts or less and refrigerators as listed below. Residents of Little Run Lodge are limited to a coffee pot with automatic shut-off. No cooking devices will be allowed.
4. Refrigerators that are rated greater than 1.5 amps and/or 3.6 cubic feet are prohibited. No more than one refrigerator is allowed per bedroom.
5. Air Conditioners are prohibited.

Be careful not to overload the electrical outlets by plugging too many items into one outlet. Use only approved heavy-duty extension cords. Never run cords under carpets or under heavy objects that may crush and break the cord.

Open Flames

Open flames, fire or smoke producing articles such as candles (lit or unlit), incense, Bunsen burners, portable grills or stoves, kerosene lamps and cut trees are prohibited in campus residential facilities. Storage of any flammable liquids or materials in or around the residence facilities is also prohibited. Violators are subject to campus disciplinary action.

Reporting a Fire Occurrence

All students and employees of York College are required to report evidence of a fire by calling 9-1-1. The local fire department will be dispatched and Campus Safety will investigate and document the incident.

In order to ensure all fire occurrences are documented in the Annual Fire Safety Report, all students and employees must report all fire incidents to the Department of Campus Safety.

Fire Safety and Education Programs

Every freshman and transfer student is required to attend a safety presentation conducted by the Department of Campus Safety during the first weekend of their arrival to campus in the fall. Fire safety procedures and prevention strategies are discussed.

Resident Assistants discuss fire safety and prevention issues during regular floor meetings. They also conduct safety inspections to detect fire hazards and will educate students about issues they may discover.

All Resident Assistants, Student Security Officers, Residence Life professional staff and Campus Safety Officers receive training in fire safety and prevention as well as the use of fire extinguishers. This training is available to all employees by request.

Every October the College conducts mandatory training for staff and administrators. Fire safety, security and emergency procedures are usually presented to update employees on any changes and to remind them existing policies.

Fire Drills

Campus Safety will perform at least one fire evacuation drill each semester at all resident facilities.

All students and their guests are required to exit any building where a fire alarm has activated and follow all evacuation procedures. The fire department or Campus Safety will inform residents when they may re-enter their facility. Failure to exit is a code of conduct violation.

Fire Alarm Systems

All of York College's buildings are equipped with automatic fire detection and/or annunciating systems. All of York College's fire alarm systems are monitored by a certified-outside monitoring company. All of the College's residential facilities have smoke detectors on each floor and most have a detector in each room.

Sprinkler Systems

All of York College's residential facilities have automatic fire suppression sprinkler systems. Caution should be exercised to ensure that the sprinkler discharge heads and supply pipes are not tampered with or disturbed. No objects should be attached or hung from the systems pipes or sprinkler heads.

Tampering with fire extinguishers, sprinkler systems and fire alarm systems is a crime – punishable by fines and/or imprisonment and loss of housing.

Fire Safety Planning

York College continually assesses our fire safety technology and resources to ensure we are staying current with best practices. The College has a trained fire inspector on staff in the Department of Campus Safety who makes recommendations for repairs and/or replacement of existing systems or suggests adding devices when necessary. Third party contractors perform scheduled Inspections of all campus fire and sprinkler systems. These reports are reviewed, deficiencies are repaired and recommendations for new or additional devices or technology are made so that the College is current with changes in fire codes. All new construction and renovation projects are reviewed with fire safety in mind, ensuring that each project meets fire safety codes.

Fire Definitions

- **Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
- **Cause of Fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure or act of nature.
- **Fire-related Injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in a fire control, attempting rescue, or escaping

from the dangers of the fire. The term person may include students, employees, visitors, firefighters, or any other individuals.

- **Fire-related Death:** Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire. Dies within 1 year of injuries sustained as a result of the fire.
- **Value of Property Damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

Reported Fires for 2023 for York College of Pennsylvania

On-Campus Residence Halls	Total Fires in Each Building	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire	Case Number
Arnold House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Beard Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Brockie Commons	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Brougher Chapel Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Codorus Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Curry House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Evergreen Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Newberry House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Keiffer House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Laurel Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Little Run Lodge	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor East	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor North	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor Northeast	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor South	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor West	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northside Commons	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Penn Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pershing House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
				Washing Machine Drum, Belt, or Motor				
Richland Hall	1	2/20/2023	1413		0	0	1,725.00	IR2023-0088
Spring Garden Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Springettsbury Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Springettsbury House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Susquehanna Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments I	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments II	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments III	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Wenger House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Willow Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Totals	1				0	0	\$0.00	

Reported Fires for 2022 for York College of Pennsylvania

On-Campus Residence Halls	Total Fires in Each Building	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire	Case Number
Arnold House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Beard Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Brockie Commons	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Brougher Chapel Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Codorus Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Country Club Manor Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Curry House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Evergreen Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Newberry House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Keiffer House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Laurel Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Little Run Lodge	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor East	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor North	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor Northeast	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor South	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor West	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northside Commons	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Penn Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pershing House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Richland Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Spring Garden Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Springettsbury Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Springettsbury House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Susquehanna Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments I	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments II	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments III	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Wenger House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Willow Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Totals	0				0	0	\$0.00	

Reported Fires for 2021 for York College of Pennsylvania

On-Campus Residence Halls	Total Fires in Each Building	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire	Case Number
Arnold House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Beard Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Brockie Commons	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Brougher Chapel Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Codorus Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Country Club Manor Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Curry House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Evergreen Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Newberry House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Keiffer House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Laurel Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Little Run Lodge	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor East	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor North	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor Northeast	1	6/27/2021	10:36pm	A Microwave	0	0	\$60	2021-0288
Manor South	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Manor West	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Northside Commons	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Penn Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pershing House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Richland Hall	1	2/22/2021	9:46am	Packaged Food Placed on a Burner	0	0	\$5	2021-0069
Spring Garden Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Springettsbury Apartments	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Springettsbury House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Susquehanna Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments I	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments II	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Tyler Run Apartments III	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Wenger House	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Willow Hall	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Totals	2				0	0	\$50.00	

Residential Fire Safety Features for York College of Pennsylvania

On-Campus Residences	Fire Alarms Monitored Remotely	Equipped with Full Sprinkler System	Has Fire Extinguishers	Smoke Detectors	Number of Evacuation Drills Conducted Each Calendar Year
Arnold House	YES	YES	YES	YES	2
Brockie Commons	YES	YES	YES	YES	2
Brougher Chapel Apartments	YES	YES	YES	YES	2
Codorus Hall	YES	YES	YES	YES	2
Newberry House	YES	YES	YES	YES	2
Keiffer House	YES	YES	YES	YES	2
Laurel Hall	YES	YES	YES	YES	2
Little Run Lodge	YES	YES	YES	YES	2
Manor East	YES	YES	YES	YES	2
Manor North	YES	YES	YES	YES	2
Manor Northeast	YES	YES	YES	YES	2
Manor West	YES	YES	YES	YES	2
Manor South	YES	YES	YES	YES	2
Northside Commons	YES	YES	YES	YES	2
Penn Hall	YES	YES	YES	YES	2
Pershing House	YES	YES	YES	YES	2
Richland Hall	YES	YES	YES	YES	2
Spring Garden Apartments	YES	YES	YES	YES	2
Springettsbury Apartments	YES	YES	YES	YES	2
Springettsbury House	YES	YES	YES	YES	2
Susquehanna Hall	YES	YES	YES	YES	2
Tyler Run Apartments I	YES	YES	YES	YES	2
Tyler Run Apartments II	YES	YES	YES	YES	2
Tyler Run Apartments III	YES	YES	YES	YES	2
Wenger House	YES	YES	YES	YES	2