



DEPARTMENT OF CAMPUS SAFETY



MUHLENBERG COLLEGE ANNUAL

SECURITY and FIRE SAFETY REPORT 2020

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MUHLENBERG COLLEGE COMPLIANCE INFORMATION REGARDING SECURITY AND FIRE SAFETY

Founded in 1848, Muhlenberg is a highly selective, private, four-year liberal arts college. The College took its present name in 1867 from Henry Melchior Muhlenberg, patriarch of the Lutheran Church in the American Colonies. The College enjoys a student, faculty, and staff population of nearly 3,172 individuals, plus a significant number of visitors to many campus programs and special events. Muhlenberg affords its students an unusual degree of freedom and responsibility, both within the academic program and in campus life.

Muhlenberg College is located on 91 acres of land in a safe area of the city of Allentown, but no campus is free from crime, whether located in an urban, suburban, or rural area. All members of the campus community, therefore, should take reasonable precautions. The Muhlenberg College Department of Campus Safety is committed to working with all members of the campus community to make our campus a safe and secure environment. The College has a series of policies and procedures to assist in these efforts. Muhlenberg has been fortunate in experiencing few serious crimes, but such incidents could occur, and all crime is serious to the victim. Students, faculty, and staff are responsible for adopting measures to protect themselves and their possessions.

- Off-Campus Facilities: The Conrad W. Raker Biological Field Station and Wildlife Sanctuary, a 40-acre wooded tract situated 15 miles North of the campus, is used by biology classes for field study. Jordan Creek within the preserve provides added opportunity for aquatic biology studies.
- The Lee and Virginia Graver Arboretum, a 50-acre tract located 20 miles northeast of campus, offers a diverse array of field research and other educational opportunities for Muhlenberg students. It includes a 12-acre research facility, which is also used for activities and meetings.

The following information has been prepared to increase your awareness of the current programs that exist to assist you in protecting your safety and well-being. Portions are also provided in compliance with federal law, specifically the Clery Act and the Higher Education Opportunity Act (HEOA). This information is being provided to you as part of Muhlenberg College's commitment to safety and security on campus and is in compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

Annual Disclosure of Crime Statistics

The Muhlenberg College Department of Campus Safety prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located at

<http://www.muhslenberg.edu/annualsecurityreport>.

You will also be able to connect to our site via the Department of Campus Safety Home page at:

<https://www.muhslenberg.edu/offices/campus-safety/>

This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites, Housing & Residence Life, the Judicial Affairs Officer, the Division of Business Affairs, and the Division of Student Affairs. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Muhlenberg College Department of Campus Safety, designated campus officials, (including but not limited to directors, deans, department heads, Housing & Residence Life staff, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies.

Daily Crime Log information is available at the Campus Safety Dispatch area, and each year these statistics are compiled and an email notification is made to all enrolled students, faculty, and staff to provide the website to access this report. Copies of the report may also be obtained at the Department of Campus Safety Headquarters located in the Main Entrance (lower level) of Prosser Hall or by calling (484) 664-3112. All prospective employees may obtain a copy from Human Resources located in the Haas College Center 3rd Floor or by calling (484) 664-

3165. In addition, the following statement is provided on the home page of the College's Employment website ([Employment Opportunities](#)): "Muhlenberg College Annual Crime Reporting - As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, prospective employees of Muhlenberg College are entitled to request and receive a copy of the College Annual Security Report (ASR). The ASR can be accessed at <http://www.muhlenberg.edu/annualecurityreport> .

This report includes crime statistics on certain reportable crimes, as well as Muhlenberg College Safety Policies. The report also includes institutional policies concerning campus safety and police, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault and other matters. Anyone wishing a paper copy of the ASR may contact the Campus Safety Office at 484-664-3112." Further, individuals applying for enrollment to Muhlenberg College are notified of ASR report availability via a receipt of application letter provided by the Office of Admissions. A copy of this report can be requested and obtained by any individual from the Department of Campus Safety between the hours of 8 A.M. and 5 P.M. Monday through Friday or 24-hours electronically from the Department of Campus Safety web site located at <http://www.muhlenberg.edu/annualecurityreport>.

The Department of Campus Safety

OUR VISION

Our VISION is to facilitate a safe campus environment by employing and training a diverse staff with the skills, knowledge, and abilities to meet the ongoing, ever-changing needs of the Muhlenberg College Community.

OUR MISSION

Our MISSION is to promote and maintain a safe, inclusive, and welcoming campus environment as we serve and protect the College Community. We adhere to our core values of integrity, accountability, professionalism, and service.

We accomplish the mission through the delivery of a comprehensive and integrated safety and security program that strives to provide a safe and secure environment, to prevent and detect crime, and to maintain public order while fostering community partnerships.

We support professional safety and security services that value and respect the rights and differences of all members of the department, as well as those of the college and the communities that we proudly serve. The Campus Safety Department will not knowingly allow students or other members of the community to harm themselves or others, nor to violate state and/or federal laws, city ordinances, or the Muhlenberg College Student Code of Conduct:

[Student Code of Conduct](#)

MUHLENBERG COLLEGE COVID-19 POLICY

We make every effort to be sensitive and supportive of the Muhlenberg community, while educating members regarding personal responsibility. Our office provides services to the community to assist them in making appropriate choices as responsible individuals. We are committed to the professional and personal development of all members of the department, and in turn, we expect all of our employees to be models of excellence. Ultimately, we strive each and every day to earn the trust, confidence, and respect of our community.

The Department of Campus Safety (DCS) is responsible for providing a variety of services for the campus. The DCS is headed by a Director who reports to the Vice President for Student Affairs/Dean of Students. In addition to the Director there is an Associate Director with a primary responsibility for Life Safety Systems. There are 12 uniformed personnel full-time, 3 uniformed officers part-time, three full-time dispatchers, one full-time switchboard operator/office manager, and three part-time dispatchers. The office is also assisted in its operation by up to 4 student workers who qualify for financial aid and work study program. The officers of DCS justly enforce the rules and regulations of the Muhlenberg College community and the Commonwealth of Pennsylvania.

The DCS recognizes its responsibility to provide crime prevention and emergency police services to members of the Muhlenberg College community while they are in the immediate campus neighborhood, as well as when they are on official campus property. To that end, all officers are commissioned as special police officers through the Lehigh County Court under the provisions of the Non-Profit Corporation Law of 1972; Act No. 271 (codified at

22Pa. C.S.A. 501). Commissioned Officers have enforcement authority in and upon all property owned, occupied or used by College and in the immediate and adjacent vicinity of the property. The DCS is on duty 24-hours a day, seven days a week, and 365 days a year. DCS Officers are authorized to arrest and detain individuals until such time as local law enforcement arrives to take custody or issue a summons to the individual. DCS officers do not initiate criminal prosecution, in that all violations are either referred to the College Judicial Officer, or if a criminal prosecution is necessary the Allentown Police Department is contacted to respond and take action.

The DCS recognizes its responsibility to provide extra security when the situation arises. Muhlenberg College, when circumstances warrant it, hires outside security vendors to provide additional security. These security vendors provide additional coverage for athletic events, as well as, special events like Graduation and Move-In day. These security vendors do not have the authority to make arrests but may detain for Campus Safety Officers or Allentown Police.

The DCS at Muhlenberg College works closely with the Dean of Students Office, and the Allentown Police and Fire Departments to create a campus environment that is both safe and secure. The DCS works to prevent crime, to ensure that the College's Student Code of Conduct is respected, to provide security patrols, and to respond to the needs of individuals in the College community.

Working Relationships with Other Law Enforcement Agencies

The DCS enjoys and maintains a close working relationship with the Allentown Police Department (APD). Meetings are held between the leaders of these agencies on both a formal and informal basis. The officers of DCS and APD communicate regularly on the scene of incidents that occur in and around the campus area as well as during normal patrols. DCS occasionally works with other law enforcement agencies in Lehigh Valley, including the South Whitehall Police Department, PA State Police, FBI, and the U.S. Secret Service. The employees of DCS work closely with the investigative staff at APD when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is no written memorandum of understanding between DCS and APD or any other law enforcement agency.

Contracted security agencies are utilized as a supplement to the DCS at various times of the year for sporting activities and special events, providing an additional deterrent to crime and serving as additional "eyes and ears" for the DCS.

Campus Safety Training

The officers of the DCS undergo certification through the Pennsylvania ACT 235 (the Lethal Weapons Training Act) as a requirement for the position. This certification "covers the training and licensing of watch guards, protective patrolmen, detectives and criminal investigators who carry and use lethal weapons in their employment. The act spells out the powers and duties of the State Police commissioner in regard to the act and provides penalties for violations of the act." They maintain their certification as required by the ACT 235. In addition to ACT 235 many officers of the DCS have received training under the Pennsylvania ACT 120, which is the training program required for all municipal law enforcement officers within the state of Pennsylvania. Training subjects include criminal law, civil law, public relations, race relations, interpersonal communication, crisis intervention, critical incident response, and all facets of protection of persons and property. Members of the DCS are afforded the opportunity to attend training sessions and speakers on a variety of job related topics throughout the year that are held on campus as well as off campus. In addition to this training, members of the DCS receive in- house training on a variety of subject matters including but not limited to fire safety, blood-borne pathogens, incident response, and various OSHA topics. In addition, all officers are certified in standard first aid and CPR. Records are maintained concerning any and all special training, first aid, non-lethal weapons and firearms, as well as other special training like desktop exercises and live training scenarios. These records can be found in the Campus Safety Office.

Maintenance of Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The officers of the DCS regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to Plant Operations for correction. Other members of the campus community are helpful when they report equipment problems to DCS, the Office of Housing & Residence Life (HRL), or to Plant Operations.

The College maintains a very strong commitment to campus safety and security. Exterior lighting is an important part of this commitment. Parking areas, pedestrian walkways and building exteriors are well lit. Surveys of exterior

lighting on campus are conducted by officers of the DCS during routine patrols and the Plant Operations Department gives high priority to maintenance of exterior lights which need replacement. Members of the campus community are encouraged to report any exterior lighting deficiencies to the DCS or Plant Operations Department.

The DCS officers lock the exterior doors on campus buildings following the last class or scheduled event each evening. Door and locking hardware deficiencies are reported by these officers upon discovery. Shrubbery and trees on campus are trimmed on a regular basis.

Campus streets, parking areas, grounds and buildings are patrolled 24 hours a day every day of the year by DCS Officers.

Access Control

Most campus buildings and facilities, other than student residence halls, are accessible to members of the campus community, their guests and visitors during normal hours of business, and during designated hours on weekends and holidays, depending on the wide variety of events and activities taking place outside the normal business hours.

Access to secured campus facilities can be gained through card access control or key access. In facilities that are equipped with card access at the entry doors, access to the facility is limited on each individual I.D. card to the authorized personnel or occupants of the specific facility. Any student or employee who misplaces their I.D. cards after business hours or on weekends can come to the DCS to obtain a replacement card. I.D. cards can be replaced during normal business hours Monday through Friday at the Student Union Information Desk. Some facilities are not equipped with card access control. In those instances, authorized personnel or occupants of the specific facility are provided with exterior door keys in order to gain access. Any student or employee who misplaces their key after business hours or on weekends can come to the DCS to coordinate a lock change. Lock changes can be replaced during normal business hours Monday through Friday by contacting the DCS, Plant Operation, or HRL.

Visitors to the campus gain access to buildings, including residence halls, by contacting a campus host or the DCS.

Academic and Administrative Buildings

The Department of Campus Safety is responsible for locking and unlocking campus academic buildings. The academic and administrative buildings are open to the public, at a minimum, during normal business hours. Academic buildings are unlocked during the day, Monday through Friday, throughout the academic year. Access to these buildings at night, weekends, breaks and holidays is determined by various class and event schedules and is on an as needed basis. Most facilities have individual hours, and the hours may vary at different times of the year. Access to some of these buildings is also controlled by card access after normal business hours, and all of these buildings have varied levels of access. Students who need access to a building during the hours it is secured need to receive authorization from the appropriate faculty member(s) or department. Authorization is provided via email to the DCS by the authorizing individual. In some instances, after hour access cannot be granted without an individual receiving specific training as determined by the appropriate department or faculty member. Officers patrol the academic and administrative buildings on a regular basis. For information about the access protocol for a specific building, contact the professor for the specific course you need the access for, a department head, or the Department of Campus Safety at (484) 664-3112.

Residential Facilities

Access to residence halls is restricted to residents, their approved guests, and other approved members of the campus community. Residents gain entry by swiping their cards in the card access readers. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their access cards. Benfer Hall does not have enclosed common building entrances or hallways, but residents need card access to enter their own suite. Some residential facilities (MILE Properties, some College owned fraternity/sorority houses) are accessed by key only. A "MILE" property is a home owned by the college where students reside during the school year. MILE stands for Muhlenberg Independent Living Experience. Most but not all MILE houses are on campus. These facilities are equipped with locking door handles and deadbolts. Each resident student is given a key or key card to their residential facility and a key to their individual room. All residential facilities equipped with card access on exterior doors are secured by automatic door closures. Facilities (such as but not limited to MILE Properties) that do not have a card access system are not always equipped with

automatic door closures and require the door to be manually shut by the user. Doors lock immediately upon closing and are locked 24 hours a day. Residence hall doors that are attached to the card access system are equipped with alarms to detect doors which have been propped, forced and/or left open.

These alarms are monitored at the DCS Communication Center and Officers are dispatched to investigate the alarms. HRL, through student Resident Advisors, and Undergraduate Hall Directors enforce security measures in residential facilities and work with residents to achieve a community respectful of individual and group rights and responsibilities.

The DCS and HRL staff also conducts periodic educational sessions on prevention of various crimes, including sexual misconduct, intimate partner violence, stalking, or retaliatory harassment

Reporting Procedures

General Procedures for Reporting a Crime or Emergency

The DCS provides a comprehensive program of police, security, crime prevention, fire safety, emergency medical assistance, parking and related public safety services to help ensure that the campus community remains a safe and pleasant place in which to study, live and work. Students, faculty, staff and guests are encouraged to voluntarily, promptly, and accurately report any crime, violation of the Student Code of Conduct, or unusual or suspicious incidents to the DCS or the Allentown Police, when the victim elects to or is unable to make such a report. All reports including reports of dating violence, domestic violence, sexual assault, or stalking can also be made online for any member of the campus community at: [Report an Incident](#).

To report a crime or an emergency on campus, call DCS at extension 3110 or, from outside the College phone system, (484) 664-3110, to report a non-emergency security or public safety- related matter, call DCS at extension 3112 or, from outside the campus phone system, (484) 664-3112. In addition, approximately 181 emergency phones are located throughout the campus in parking lots, outside residence halls, in teaching spaces, and several walkways throughout campus that can automatically ring into the DCS dispatch area. These phones are equipped with red buttons that, when pushed, dials directly to DCS. Members of the community, as they go about their daily schedules, should familiarize themselves with these instruments and their locations.

If a crime or emergency occurs off campus, call the Allentown Police Department (APD) by dialing 911. Dispatchers are available at these telephone numbers 24-hours a day to answer calls. In response to a call, DCS or APD will take the required action, either by dispatching an officer or by asking the victim to report to the relevant department office to file an incident report.

All DCS incident reports are forwarded to the Dean of Students Office for review and referral to the Judicial Officer for potential action, as appropriate. The DCS will investigate a report, whether on campus or off-campus, when it is deemed appropriate. Officers may be assigned to handle cases needing additional follow-up investigation. Additional information obtained via the investigation will also be forwarded to the Judicial Officer. If assistance is required from an outside agency, DCS will contact the appropriate unit or assist the reporting party in contacting the appropriate agency. Suspected violations may result in both criminal prosecution, and, in the case of students, college disciplinary proceedings.

DCS incident reports involving faculty or staff are referred to the Director for Equity and Title IX and the Vice President of Human Resources or the Provost, as appropriate, for review and appropriate action.

Voluntary, Confidential Reporting Options

A victim of a crime who does not want to pursue action within the college disciplinary system or the criminal justice system are encouraged to make a voluntary, confidential report to one of the confidential resources below. Confidential Resources can connect you to the support that you need without filing a formal report with Campus Safety. These resources are listed below, but if you are unable to contact them on your own, you can contact Campus Safety and ask them to talk with a confidential resource. If you are contacting Campus Safety to reach a confidential resource, you should not provide identifying information for yourself or the crime and should only notify the dispatcher or officer that you would like to talk to a confidential resource. They will provide you with access to these resources.

If you file a report with a college employee who is not a confidential resource, they are required to file a report with Campus Safety.

Muhlenberg College has online report forms: [Report an Incident](#) available for Students and Employees for reporting Student Concerns, Student Academic Issues, Discrimination, Harassment, Retaliation or Bias Incidents, Sexual Misconduct, Intimate Partner Violence, Stalking, or Retaliatory Harassment, and General Incident Reporting. Reporting parties can opt to remain anonymous when completing these forms by leaving their name and contact information blank. Anonymous reports allow the College to compile accurate records on the number and types of incidents occurring on property owned, leased and controlled by Muhlenberg College.

Confidential Resources and Support

All individuals are encouraged to make a prompt report to law enforcement and to the college. An individual may seek confidential support and resources designated below. Confidential resources will not share information with the College nor will speaking with a confidential resource initiate action by the College under most circumstances. We encourage all individuals to make a prompt report to the College using the available reporting options. With the exception of confidential resources which are listed below, all other employees, including designated student employees, are trained to mandatorily report a report of sexual assault, intimate partner violence, and stalking with the Title IX Coordinator and Campus Safety to ensure a prompt and equitable review, investigation and resolution. Confidential employees are trained by the Title IX Coordinator and Campus Safety to offer Equity and Title IX and Campus Safety as resources for review, investigation, and resolution to anyone confidentiality disclosing information about a Clery crime. Confidential resources, including pastoral or professional counselors are able to advise persons they are counseling of the reporting avenues including voluntary, confidential reporting as detailed above.

Confidential resources and support include:

Counseling Services: (484) 664-3178

- Counseling Services (located on the 2nd floor of the Life Sports Center) is open Monday-Friday 8:30am-4:30pm while classes are in session, and they have 24/7 oncall phone counseling available.

Health Services: (484) 664-3199

- Health Services (located on the 1st floor of the Life Sports Center) is open Monday-Friday 8:30am-4:30pm while classes are in session. There is a nurse on call who can be reached by calling Campus Safety

College Chaplain: (484) 664-3120

- The Chaplain's office is in Egnor Memorial Chapel and office hours are 8:00am-4:00pm, and Campus Safety is able to reach the chaplain in case of an emergency

Catholic Chaplain: (484) 664-3122

- The Catholic Chaplain's office is in the Neuman Center

Jewish Chaplain (484) 664-3244

- The Jewish Chaplain's office is in the Hillel: Leffell Center for Jewish Student Life

Employee Assistance Program (EAP) through Integrated Behavioral Health (IBH): (800) 395-1616

Crime Victims Council (610-437-6611) 24 hour hotline

Lehigh Valley Hospital (610-969-2388) 17th & Chew Street Emergency Room

Reporting a Crime to the Allentown Police Department (APD)

A person reporting a crime to the DCS has the right to report the crime to the Allentown Police Department (APD).

The officers of the DCS regularly discuss this option with the victim of a crime and will assist the victim with that process. The Allentown Police Department can be contacted by calling 911 or 610-437-7751.

Off-Campus Crime

If APD is contacted about criminal activity occurring off-campus involving Muhlenberg College students, APD may notify the DCS. However, there is no official APD policy requiring such notification. Students in these cases may be subject to arrest by APD and the college judicial proceedings through the Dean of Students Office.

The APD Response to Student Organizations

Muhlenberg College does not have any officially recognized student organizations that have housing or other facilities “off-campus.” There are several recognized student organizations that occupy privately owned houses within the campus boundaries. If APD is called by a citizen to respond to one of those locations, APD will typically notify DCS to respond with them or they will notify the DCS after they have responded to inform them of the situation. However, APD does this out of courtesy and is not “required” to notify or involve DCS when they respond to a call involving private property.

Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Members of the Muhlenberg College Community (student, faculty, and staff), guests, and visitors are prohibited from engaging in domestic violence, dating violence, sexual assault, and stalking as defined in the Muhlenberg College [Equal Opportunity Policy and Nondiscrimination Policy](#) (EO Policy), which adopted definitions as defined by the Violence Against Women’s Act (VAWA) and Title IX. Individuals who report experiencing domestic violence, dating violence, sexual assault, and stalking are provided with on and off campus confidential and nonconfidential resources, in writing, and options for next steps including whether they would like to notify local law enforcement with the assistance of Campus Safety, or decline to do so. All members of the college community are provided with the EO Policy in writing, that include the following definitions.

Muhlenberg College’s definitions of domestic violence, dating violence, sexual assault, stalking, consent, and incapacitation are as follows:

- **Domestic Violence:** Domestic violence is a felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the person affected; (ii) by a person with whom the person affected shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the person affected as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the person affected under the domestic or family violence laws of Pennsylvania, or (v) 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 Pennsylvania.

- **Dating Violence:** Dating violence is any act of physical or sexual assault or threatened physical or sexual assault committed by a person who is or has been in a sexual, dating, or romantic relationship of an intimate nature with the Complainant. For the purposes of this definition: (i) dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and (ii) dating violence does not include acts covered under the definition of domestic violence.

The existence of a dating relationship shall be determined based on a consideration of the following factors:

- i. The length of the relationship;
- ii. The type of relationship; and
- iii. The frequency of interaction between the persons involved in the relationship

- **Sexual Assault:** Sexual assault includes any of the following sex offenses, defined generally as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent (incapacitation).

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim, 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.
 - **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.
- **Stalking:** Stalking is a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear of his or her safety or the safety of others, or suffer substantial emotional distress.
 - Course of conduct means two or more acts that can include, but are not limited to, acts in 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.
 - Substantial emotional distress means temporary or permanent significant mental suffering or anguish that may, but does not necessarily, require medical treatment or professional counseling.
 - Reasonable person is a prudent, hypothetical person who exercises average care, skill, and judgment in a similar position and situation.

This EO Policy prohibits all stalking, not just stalking that occurs within the context of a relationship or stalking that is discriminatory.

- **Consent:** Consent is defined as words and/or actions indicating clear, knowing, and voluntary permission to engage in sexual activity prior to and during sexual activity. Further definition of consent includes the following:
 - Consent can be given by words or actions, but non-verbal consent is not as clear as verbal consent.
 - Consent to one form of sexual or intimate activity cannot be automatically taken as consent to another form of sexual or intimate activity.
 - Under this EO Policy, "No" always means "No," and anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a "no."
 - Silence, without actions demonstrating permission, cannot be assumed to show consent.
 - If physical force is used to obtain consent or intimate access, there can be no consent.
 - If a threat or intimidation under reasonable belief that the threat will be carried out is used to obtain consent, then there can be no consent.
 - If consent is obtained by coercion, there is no consent. There is a difference between seduction and coercion. Coercion occurs when someone who does not want to engage in sexual activity is unreasonably pressured in nonphysical ways that can include verbal persistence by making someone feel guilty or obligated; lies; or, threats to end a relationship or spread rumors.
- **Incapacitation:** Someone who is incapacitated cannot consent. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the person is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Being under the influence of drugs or alcohol does not necessarily indicate incapacity though incapacitation may result from the use of alcohol or other drugs that produces a state beyond drunkenness or intoxication. An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Evaluating incapacitation requires an assessment of whether a Respondent knew or should have been aware of the Complainant's incapacitation based upon objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's

position. Objectively and reasonably apparent indications of impairment can include, but are not limited to:

- Slurred speech
- Bloodshot eyes
- Clumsiness
- Inability to focus
- Confusion
- Shaky balance
- Stumbling or falling down
- Vomiting
- Poor judgment
- Difficulty concentrating
- Combativeness or emotional volatility
- Outrageous or unusual behavior
- Unconsciousness

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct and does not diminish one's responsibility to obtain consent.

Muhlenberg College complies with Title IX of the Higher Education Amendment of 1972, which prohibits discrimination on the basis of sex in education programs or activities. Under Title IX, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, and other forms of sexual and gender-based misconduct including stalking and intimate partner violence. In compliance with Title IX, the College will promptly and equitably respond to reported violations of this Policy in order to eliminate the discrimination, prevent its recurrence, and address its effects on any individual or the community. The College response is overseen by the College's Title IX Coordinator.

Safety and Resource Information Provided to Victims/Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The following safety and resource information is provided to a victim following a report of dating violence, domestic violence, sexual assault, or stalking:

Go to a safe location as soon as you are able. If you are off campus and in an emergency situation, call 911. You may also call Allentown Police Department's non-emergency line at 610-437-7751.

1. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy. Campus Safety (484-664-3110) will provide transportation to the local hospital of your choice. The Lehigh Valley Hospital Emergency Room at 17th and Chew Streets and Saint Luke's Hospital at 1736 Hamilton Street are prepared to treat sexual assault victims. After hours, on-call Student Health Services nursing staff is available for students by calling Campus Safety (ext. 3110) for emergency situations.
2. Contact any of the following for immediate assistance:
 - a) Director of Equity & Title IX Coordinator, 484-664-3562, 8:30 – 5:00 M-F (Students & Employees)
 - b) Campus Safety, 484-664-3110, 24/7 (Students & Employees)
 - c) Student Health Services*, 484-664-3199, 8:00 – 4:30, M-F (Students)
 - d) Counseling Services*, 484-664-3178, 8:30 – 4:30, M-F, on-call 24/7 (Students)
 - e) Vice President for Human Resources, 484-664-3166, 8:30 - 5:00 M-F (Employees)
 - f) Employee Assistance Program (EAP), 800-395-1616 (Employees) (Plan implementation November 2019)
 - g) Crime Victims Council of the Lehigh Valley* (CVCLV), 610-437-6611, 24-hour hotline (Students & Employees)
 - h) Turning Point/Domestic Violence Shelter*, 877-438-4957, 24-hour helpline (Students & Employees)

*Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unable to assist immediately. The caller does not have to provide the dispatcher with information about an incident. The caller should ask to speak with a nurse or counselor on call.

3. **Preserve Physical Evidence:** It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc. until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluid, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an assault. Sexual Assault Nurse Examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you want to speak with them or file a criminal complaint. The Crime Victims Council of the Lehigh Valley* provides onsite support at any of the Lehigh Valley hospital emergency rooms. Call 610-437-6611 for assistance 24/7. Other physical evidence that should be preserved, particularly for allegations of dating violence, domestic violence, and stalking, include records of witness names and contact information, witness statements, photographs of physical injuries (with date stamp), and documentation of written and electronic communication. You may wish to try to memorize details or write notes to remind you of details if you are able to do so.
4. Choose how to proceed. You have options and are encouraged to contact the Counseling Center* to discuss them. The following options are available to you:
 - a) Do nothing until you are ready;
 - b) Pursue resolution through Muhlenberg College; and/or
 - c) Initiate criminal proceedings; and/or
 - d) Initiate a civil process against the perpetrator.
 - e) If a student wishes for the report to remain confidential, they may speak with Counseling Services (484-664-3178), the Student Health Center (484-664-3199), the College Chaplain (484-664-3120) or off-campus rape crisis resource centers such as Crime Victims Council of the Lehigh Valley (610-437-6611). Students may switch from confidential or anonymous reporting to filing a formal complaint at any time.

You may pursue whatever combination of options is best for you. If you wish to pursue an incident through the College process, students should contact the Title IX Coordinator or Campus Safety, and the College policy and procedures and resources will be explained and provided in writing. Employees should contact the Title IX Coordinator, The Vice President of Human Resources, or the Provost in which the College policy and procedures and resources will be explained and provided in writing. Those who would like to file a criminal complaint may contact Campus Safety for assistance or contact local police directly where the assault occurred. The College system and the criminal system work independently from one another.

If you wish to obtain external orders of protection (e.g. restraining orders, injunctions, Protection From Abuse orders, or Protection from Sexual Violence or Intimidation orders), the Title IX Coordinator is available to provide information to students and employees in writing and assist them in obtaining such protective orders, including connecting a victim to [Crime Victims Council of the Lehigh Valley](#) or [Turning Point of Lehigh Valley](#) who provide advocacy by assisting victims in obtaining an order of protection, accompanying victims to Court, and generally advocating for the victim. If external orders of protection are obtained, we ask that the victim notify Campus Safety or the Title IX Coordinator so that the orders can be observed on campus. When meeting with the Title IX Coordinator, victims are notified of their rights and options, in writing, to obtain such external orders that are found [here](#) (Pennsylvania Coalition Against Rape (PCAR) website).

Victims are notified in writing that the College will take whatever actions it deems appropriate in order to protect a student's rights and personal safety, regardless of whether or not the student wishes to pursue a formal internal complaint. Such supportive and interim measures may include, but are not limited to, modification of living

arrangements and class schedules, and reasonable academic support. Interim suspensions and/or no contact orders may be imposed by the College in any case where a student's behavior represents a risk of violence, threat, pattern, or predation. If a student will be choosing to take a leave of absence or a reduced course load, this may impact a student's immigration, visa, and/or financial aid status. Victims are notified in writing that the Title IX Coordinator can connect students to College resources to discuss these steps and obtain the relevant information and assistance to proceed.

Interim and Supportive Measures Available

Upon notice of alleged domestic violence, dating violence, sexual assault, and stalking or upon request by a Complainant or Respondent, students and employees are notified in writing that they have the right to request and the College will evaluate whether initial or interim supportive, remedial, responsive and/or protective actions are necessary. Information about such measures are provided in writing to students and employees. Such actions are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter harassment, discrimination, and/or retaliation. These measures are available if a student or employee requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

These measures can include but are not limited to:

- No contact orders;
- Referrals to counseling and/or medical services;
- Academic support or accommodations;
- Living or working arrangement adjustments;
- Transportation accommodations;
- Visa and immigration assistance;
- Student financial aid counseling;
- Providing campus escort;
- Referrals to the Employee Assistance Program for employees;
- Referral to campus and community support resources; and/or
- Other academic or work schedule and assignment accommodations deemed appropriate by the Director of Equity and Title IX Coordinator or an Official with Authority.

The College will maintain as confidentially as possible measures implemented, provided confidentiality does not impair the College's ability to provide the measures, and that it does not infringe upon the rights of a Complainant or Respondent.

The College may take additional prompt remedial and/or disciplinary action with respect to any Community Member or third party upon a finding that they have engaged in harassing or discriminatory behavior under this EO Policy. Procedures for handling reported incidents are fully described in the EO Procedures.

Reporting- Statement Regarding Privacy and Confidentiality

Reports of domestic violence, dating violence, sexual assault, and stalking under the EO Policy are to be made to the Director of Equity and Title IX and/or designee(s). Following a report of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of the student's or employee's rights and options, including internal procedures for disciplinary action.

While the College strongly encourages the filing of a complaint as close in time as possible to when alleged conduct occurs, there is no time limitation on the filing of complaints. If the person(s) alleged to have engaged in the discriminatory or harassing behavior is no longer subject to the College's jurisdiction, the Director of Equity and Title IX, in consultation with appropriate College officials and/or legal counsel when needed, will assess what action can be taken. All reports will be reviewed and addressed promptly and every effort will be made by the College to preserve the privacy of reports and complaints.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. Some resources can offer confidentiality and advice without any obligation to inform others. Other campus resources are expressly there to help facilitate institutional action. If you are unsure of someone's duties and ability to maintain your confidentiality or privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best.

The College has adopted a broad mandatory reporting policy for all employees who are required to promptly report domestic violence, dating violence, sexual assault, stalking, and other crimes that they become aware of to the Equity and Title IX Office and Campus Safety. Mandatory reporting still affords privacy to affected parties as it is only shared with a small group of College officials who have a need to know. There are certain resources on campus who are not mandatory reporters that offer confidential support when they are acting in a confidential capacity (see below).

If a Complainant does not wish to have their name shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the Complainant may make such a request to the Director of Equity and Title IX and/or Campus Safety who will evaluate that request while considering the duty to ensure the safety of the campus and compliance with federal law. The College will make its best effort to honor the Complainant's wishes. However, in cases indicating pattern, predation, threat, weapons and/or violence, the College will likely not be able to honor a request for confidentiality or honor a request for no action. In cases where a Complainant requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim support and remedies to the Complainant, but will not otherwise pursue formal action.

If a Complainant has been affected by discrimination or harassment under this EO Policy, but especially when violence or sexual violence is threatened or has occurred, the Complainant's personal safety is most important. A Complainant is encouraged to go to a safe place or seek out a trusted person as soon as possible. When a Complainant is ready and comfortable, they are encouraged to share what has occurred with someone they trust at the College. Sharing as much specific information along with any physical evidence may help in the event that a Complainant decides to take institutional, criminal, or legal action.

Any community member who becomes aware of or who experiences conduct that presents an immediate threat to life, property, or who is in need of medical attention should immediately call Campus Safety at 484-664-3110 or call "911."

A. Confidential Reporting

If a Complainant would like the details of an incident to be confidential, they should speak with campus Counseling Services, campus Health Services, College Chaplains, or off campus rape crisis or dating violence resources who can maintain confidentiality. Campus counselors are available to help you free of charge and can be contacted on an emergency basis. In addition, you may speak on and off-campus with members of the clergy and chaplains, who will also keep reports made to them confidential. The following are confidential resources who can provide confidential support:

On campus:

- Counseling Services: 484-664-3178, 24/7
- Student Health Services: 484-664-3199, 8am-5pm M-F
- College Chaplain: 484-664-3120, 8:30am-5pm M-F
- Jewish Chaplain/Hillel Director: 484-664-3270, 8:30am-5pm M-F

Off campus:

- Crime Victims Council of the Lehigh Valley (CVCLV), 610-437-6611, 24-hour hotline
- Turning Point/Domestic Violence Shelter, 877-438-4957, 24-hour helpline
- Lehigh Valley Hospital, 17th Street, 610-969-2388

B. Filing a Formal College Complaint (Private, not confidential)

A Complainant has the right and should expect to have incidents of discrimination or harassment under this policy to be taken seriously by the institution when formally reported, and to have those incidents investigated and

properly resolved through internal procedures outlined in the EO Procedures. Filing a formal complaint means that the Complainant has submitted a signed, formal complaint form, and only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, the Respondent, or any other individuals who have a right or need to know.

A Complainant who wishes to make a formal complaint of alleged conduct under the EO Policy may initiate a complaint in one of the following ways. There is no time limitation on the filing of allegations; however, if the Respondent is no longer subject to the College's jurisdiction, the ability to investigate, respond, and provide remedies may be limited:

1. Online - <http://muhlenberg.edu/report>, 24/7
2. Phone Call (Campus Safety) - 484-664-3110, 24/7
3. Phone Call (Equity and Title IX Office) - 484-664-3562, 8:30 am - 5:00 pm M-F
4. Phone Call (Human Resources Office) - 484-664-3166, 8:30 am - 5 pm M-F
5. In Person (Equity and Title IX Office) - 3rd floor of Haas Building, Dean of Students office, 8:30 am - 5:00 pm M-F
6. In Person (Human Resources Office) - 3rd floor of Haas Building, 8:30 am - 5:00 pm M-F
7. Email (Equity and Title IX Office) - lin-chiwang@muhlenberg.edu, 24/7
8. Email (Human Resources Office) - jillwalsh@muhlenberg.edu, 24/7

C. Filing a Criminal Complaint

The College system and criminal system work independently from one another. Complainants can file reports with the College, with law enforcement, or both. However, investigations are conducted separately and independently.

A criminal investigation is conducted by Allentown Police Department or the law enforcement agency that has jurisdiction over where the alleged crime occurred to determine whether there has been a violation of criminal laws. A person charged with a crime is subject to criminal penalties determined through the criminal court process.

A College or institutional investigation is conducted by an impartial College investigator to determine whether a violation of this EO Policy occurred. A person charged with a violation of this EO Policy is subject to sanctions determined through the appropriate College procedures. A violation of the EO Policy is not a crime. Additionally, criminal investigations or reports can be, but are not always, determinative of whether conduct under this EO Policy has occurred.

If a Complainant desires to bring criminal charges against the alleged Respondent, Campus Safety and Counseling Services can provide support and the means whereby this can be accomplished through the Allentown Police Department or the local law enforcement agency where the misconduct occurred:

Campus Safety (484-664-3110)
Counseling Services (484-664-3178)
Allentown Police Department (610-437-7751)

D. Filing a Legal or External Complaint

Those who wish to file a legal civil complaint are advised to speak to an attorney. External complaints may also be eligible for filing with the following government agencies:

U.S. Department of Education

Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800-421-3481
FAX: 202-453-6012; TDD: 800-877-8339
Email: OCR@ed.gov

U.S. Equal Employment Opportunity Commission (EEOC)

Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
Telephone: 800-669-4000
Email: PDOContact@eeoc.gov
www.eeoc.gov

PA Human Relations Commission (PHRC)

Executive Offices
333 Market St., 8th Floor
Harrisburg, PA 17101-2210
(717) 787-4410
(717) 787-7279 TTY users only

E. Making an Anonymous Report

The online reporting option (<http://muhlenberg.edu/report>) allows persons who wish to file a report anonymously to do so. Anonymous reporting can limit the College's ability to respond to a situation if there is further information needed and the College is unable to contact the reporter. The College's ability to respond to a reported incident depends on the amount of detail provided or that the College is able to gather.

Resolution of Complaints

The College may take disciplinary action against a respondent who is a current student or employee through one of the College's resolution procedures. College procedures afford for a fair, prompt, and equitable resolution of formal complaints.

Procedures for Resolution of Complaints Against Students

The procedures described below will apply to any allegations that have been made against a student under the EO Policy. The College seeks to complete informal and formal resolutions of student and employee cases of reported dating violence, domestic violence, sexual assault, or stalking, in as prompt a timeframe as possible.

A. Intake Process

Once on notice of an alleged violation of the EO Policy, the Director of Equity and Title IX Coordinator or designee will meet with the Complainant (and with the Complainant's advisor if the Complainant chooses to have one) to discuss the allegation, gather additional information if necessary, and make an initial determination regarding whether the Respondent and the behavior alleged are potential violations of the EO Policy. At any point during the intake process (or any other process defined below) the Complainant may request and/or the Director of Equity and Title IX Coordinator and the Vice President of Student Affairs (VPSA) shall consider whether any supportive or interim measures are appropriate.

- i. If the conduct alleged is not a potential violation of the EO Policy, the Complainant may be referred to another office who would have jurisdiction; the Director of Equity and Title IX Coordinator may discuss the matter with the VPSA to determine if respectful communication, remedial actions, education, and/or effective conflict resolution mechanisms that do not lead to disciplinary action would be appropriate; or, the report will be documented and the matter closed for information only.
- ii. In instances where a student is alleged to have violated both the EO Policy and the Student Code of Conduct, at the discretion of the Dean of Students, all allegations may be resolved utilizing the procedures applicable to the EO Policy rather than the procedures applicable to the Student Code of Conduct.

- iii. If no Complainant is identified but the conduct alleged is a potential violation of the EO Policy and a known Respondent has been identified, the Director of Equity and Title IX Coordinator will discuss the matter with the VPSA to determine whether the College will move forward as the Complainant. (If the College proceeds without the Complainant filing a formal complaint, the Complainant/victim shall have the right to request, and the College will disclose, the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the alleged victim, or next of kin, if the victim is deceased.)
- iv. If no Complainant is identified, the conduct alleged is not a potential violation of the EO Policy, and/or a known Respondent has not been identified, the Director of Equity and Title IX Coordinator will discuss the matter with the VPSA to determine whether community-based education, training, or other prevention or remedial actions would be appropriate; or, the report will be documented and the matter closed for information only.
- v. If a Complainant chooses to move forward with a Complaint, the Complainant will be presented with formal and informal resolution options. Typically, the Complainant may choose to move forward with either of these options. However, informal resolution options may not always be appropriate, particularly in cases involving potential criminal conduct, a pattern of conduct, or predation. If the Complainant chooses to pursue informal resolution, the Director of Equity and Title IX Coordinator, in discussion with the Complainant, shall determine whether it is appropriate on a case-by-case basis. If the Complainant chooses to pursue a formal resolution, then formal proceedings shall commence. (See Section V.C. and D. below).

B. Adaptable (Informal) Resolution Options

Recognizing that every situation is different and every individual's needs are different, the College seeks to provide as many types of fair resolutions as possible to adapt to the needs of our community members. Therefore, in lieu of the formal investigation and resolution processes defined below, the parties may agree to resolve the Complaint by one of the following methods of resolution:

1. The parties agree to engage in a restorative justice process to resolve the matter,
2. The parties agree to resolve the matter through a negotiated resolution facilitated by the Director of Equity & Title IX Coordinator and/or designee, or
3. The parties agree that the Respondent accepts responsibility for violating the EO Policy and the parties agree to engage in an interactive process with the Director of Equity & Title IX Coordinator and the VPSA to determine an appropriate sanction and resolution.

To initiate one of the adaptable resolution processes, the Complainant must first file a formal Complaint with the Office of Equity & Title IX. At the time of filing the formal Complaint, the Complainant may simultaneously request to participate in one of the adaptable resolutions, and the Respondent shall be notified of both the Complaint and the Complainant's request to engage in an adaptable resolution. The Respondent may accept or reject the option to engage in an adaptable resolution. Alternatively, either party may request to engage in an adaptable resolution process any time after the formal resolution proceedings have been initiated. The request must be made in writing to the Director of Equity & Title IX Coordinator. Once received, the Director of Equity & Title IX Coordinator will notify the other party who can agree to or reject the offer to engage in an adaptable resolution.

Once the parties agree to engage in an adaptable resolution, the formal resolution proceedings shall be placed on hold. If the adaptable resolution process results in an outcome agreed upon by both parties, the formal resolution proceedings shall be closed. If the adaptable resolution process breaks down and does not reach a result agreeable to both parties, the formal resolution proceeding will initiate or resume.

Adaptable resolution is not available in situations where a student has alleged sexual harassment against an employee.

Adaptable resolution outcomes are not appealable.

A. Restorative Justice (RJ) Process

Restorative Justice is a philosophy of accountability focused on the reparation of harm, recognition or solving of any underlying problems that may have led to harm, and reconciliation of interpersonal conflict. RJ is an intentional practice that identifies who has been harmed, what actions are necessary to repair the harm, restore relationships, and prevent recurrence of harm. An RJ process may involve a restorative circle, a restorative conference, restorative statements, or another restorative process designed by the facilitator to best address harm and reconciliation.

If parties agree to engage in an RJ process, the first step will be for the parties to separately meet with the RJ facilitator to determine the most appropriate RJ process for the situation. The RJ facilitator will guide and communicate with the parties throughout the entire RJ process. The RJ process will be documented, as well as any resolution reached during the RJ process, and kept in a confidential file in the Dean of Students Office and the Office of Equity & Title IX.

Failure by the parties to abide by the RJ resolution may result in appropriate responsive or disciplinary action. If no resolution is reached through the RJ process, the RJ facilitator will refer the matter back to the Director of Equity & Title IX Coordinator to determine appropriate next steps.

To promote candor, honesty, and genuine participation, and recognizing that the RJ process requires a certain level of vulnerability from participants, information disclosed during the RJ process will remain confidential. The RJ facilitator will not share information disclosed during the RJ process, for example, to the Investigator and Decision-makers, should the RJ process break down and revert to the formal process.

B. Negotiated Resolution

The Parties may agree to engage in a negotiated resolution facilitated by the Director of Equity & Title IX Coordinator, or other appropriate College official, where parties can negotiate an agreement to resolve the Complaint. The first step in this process will be for the facilitator to meet with each party separately and assess the needs of the party and their desired outcome. Some possible outcomes of a negotiated resolution include:

- Consent Workshop
- Healthy Relationships Workshop
- Counseling Sessions
- Alcohol Education Classes
- No Contact Order
- Bi-weekly or monthly check in meetings with the Director of Equity & Title IX or other appropriate College official
- Restriction from participation in specific clubs and/or organization
- Restriction from participation in particular events
- Community Service

Negotiated resolutions will generally not be an appropriate resolution mechanism used to address allegations of conduct that could justify suspension or expulsion from the College, which includes egregious intentional and targeted discriminatory or harassing conduct, or any conduct that may also be criminal (e.g. hate crime, sexual assault, intimate partner violence, or stalking).

The negotiated resolution shall be documented and kept in a confidential file in the Dean of Students Office and the Office of Equity & Title IX. Failure by the parties to abide by the negotiated resolution may result in appropriate responsive or disciplinary action.

Similar to the RJ process, to promote candor, honesty, and genuine participation, information disclosed during the negotiated resolution will remain confidential. The facilitator will not share information disclosed during the negotiated resolution process, for example, to the Investigator and Decision-makers, should the resolution process break down and revert to the formal process.

C. Respondent Accepts Responsibility

At any time prior to the completion of a Formal Resolution option (see below), the Respondent may choose to accept responsibility for one, some, or all of the allegations. The Respondent shall notify the Director of Equity & Title IX Coordinator of their choice to accept responsibility, pause the formal resolution, and resolve the matter through an interactive process with the Complainant, the Director of Equity & Title IX Coordinator and the VPSA to determine an appropriate sanction and resolution. The Director of Equity & Title IX will notify the Complainant. The Complainant may choose to pause the formal resolution and resolve the matter through an interactive process with the Respondent, the Director of Equity & Title IX Coordinator and the VPSA, or choose to continue with the formal resolution process.

If the Respondent accepts responsibility for one or some of the allegations, the parties may choose whether to resolve all allegations through the interactive process, resolve only the allegation(s) for which the Respondent accepted responsibility through the interactive process and proceed with the formal resolution process on the remaining allegations, or move forward with the formal resolution process noting in the investigation report for Decision-makers that the Respondent had accepted responsibility for one or some of the allegations.

The resolution reached through the interactive process shall be documented and kept in a confidential file in the Dean of Students Office and the Office of Equity & Title IX. Failure by the parties to abide by the resolution may result in appropriate responsive or disciplinary action.

Should the interactive process break down and revert back to the formal process, the Respondent's acceptance of responsibility for some or all of the allegations shall be shared with the Investigator and Decision-makers, as the Respondent's acceptance of responsibility is relevant and pertinent to the Decision-makers.

Formal Investigation and Resolution

If an adaptable resolution is not chosen by the parties, the Complaint shall proceed under the formal resolution process detailed in Sections V.C. or D. The formal resolution begins with an investigation. The Director of Equity and Title IX shall appoint a trained impartial Investigator or Investigators ("Investigator") to conduct the investigation.

i. Formal Investigation

Investigators shall adhere to the following guidelines for investigations:

- Investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary. Interviews will be conducted separately and individually with parties and witnesses.
- Investigations are completed as expeditiously as possible. Investigations may take longer however, in exigent or extenuating circumstances.
- The College's investigation and resolution process will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that criminal charges have been dismissed or reduced.
- The Investigator shall provide both parties with the opportunity to provide a statement, evidence, and names of potential witnesses.
- Parties are permitted to ask questions of the other party and witnesses ("cross-examination") through the impartial Investigator during the investigation process.
- While the parties may disagree with the Investigator as to the form of the question or the relevance, the Investigator is the sole determiner of relevance and form of questions asked.
- Parties and witnesses are expected to cooperate with and participate in the College's investigation. Interviews may, in certain circumstances, be conducted virtually by video or phone, and written statements may be provided if a live interview is not possible.
- If a Respondent elects to not participate in the investigation, the Respondent will not have the opportunity to offer new evidence during the appeal stage of the process. (See Section VII Appeals below).

Dismissal of Complaint

At any point during the formal resolution process, if it is determined by the Investigator, the Director of Equity & Title IX, or the Decision-makers, that there is no reasonable cause to believe that the EO Policy has been violated, the Director of Equity and Title IX Coordinator in consultation with the VPSA, shall have authority to terminate the investigation and end formal resolution proceedings. Notification of such dismissal will be provided in writing simultaneously to the Complainant and Respondent. This decision may be appealed by either party pursuant to Section VII below.

If at any point during the formal resolution proceedings, the Complainant notifies the Director of Equity & Title IX that they wish to withdraw their Complaint and stop the formal resolution process, the Director of Equity and Title IX and VPSA may choose to terminate the investigation and end formal resolution proceedings on a case-by-case basis. This decision is not appealable.

Dismissal will not preclude continuation of appropriate supportive or interim measures, or referral to another department to review if appropriate.

Investigation Timeframe

Typically, an investigation will be completed within sixty (60) calendar days from the filing of a formal complaint with the Office of Equity and Title IX, or the date upon which the Office of Equity and Title IX decides to pursue an investigation, whichever is first. In some circumstances, it may be necessary to extend that timeframe for good cause. If good cause exists to extend the investigation timeframe beyond 60 days, as determined by the Investigator in consultation with the Director of Equity and Title IX Coordinator, both parties will be promptly notified.

Advisor Participation in a Formal Investigation

For longer or more involved discussions, the parties and their advisor should ask for breaks or step out of meetings to allow for private conversation. A party with their advisor may request to meet or speak with the Investigator in advance of any interview for a pre-meeting. This pre-meeting will allow an advisor to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

There may be instances in which a party will wish to disclose documentation related to the allegations with their advisor. In such cases, an advisor is expected to maintain the confidentiality of the records disclosed to them. These records may not be disclosed to third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

Student Groups

Student groups are responsible for fully cooperating with College officials investigating alleged violations of the EO Policy and for ensuring that their members provide complete, accurate, and truthful information and any potentially relevant documentation in any format. Members of a Respondent student group are required to provide statements and/or answer questions in connection with any investigation of alleged violations of the EO Policy by the Respondent student group. Respondent student groups have the right to choose one current student member to represent it in any investigation or informal or formal resolution process.

ii. Formal Investigation Conclusion

1. Draft investigation report: At the conclusion of the investigation, the Investigator(s) will draft a preliminary investigation report ("draft report") and provide both parties with the opportunity to review the draft report and submit feedback or corrections. The draft report is the collection of all relevant evidence that will be presented to any adjudicating person or body.
2. The parties will have seven (7) calendar days to provide feedback, corrections or questions to the Investigator. At times, feedback may necessitate further investigation or inquiry. If further relevant information is gathered by the Investigator, the Investigator will issue a supplement to the draft report

to the parties for review and response and will determine a reasonable amount of time for feedback to the supplemental information, which will generally not exceed five (5) calendar days.

3. While the parties may disagree with the Investigator as to the form or contents of the draft report, or the relevance of evidence included or omitted or which amendments or comments will be added or not, the Investigator in consultation with the Director for Equity and Title IX has discretion of what will go into the report though the Investigator should note a party's disagreement in the final report. Parties may appeal on this basis if they wish. (See Section VII Appeals below.)
4. **Final Report:** The Investigator then prepares the final investigation report that incorporates the draft report, feedback to the draft report, and an analysis and recommendation as to whether the evidence meets a preponderance of the evidence standard that the alleged Prohibited Conduct occurred. The final report is reviewed by the Director of Equity and Title IX Coordinator and legal counsel, when necessary, prior to issuance to the parties and the VPSA. The Investigator shall issue the final report within two (2) weeks after receipt of the last feedback to the draft report unless good cause exists for extension. If the Investigator is unable to issue the final report within the two-week time frame, the Investigator will provide written notification and explanation to the parties.
5. The parties and their advisors shall hold the draft report, the final report and all accompanying documentation in confidence and shall not reproduce or distribute any such documents, in whole or in part. Reproduction or distribution of these confidential documents may lead to student conduct charges.
6. Within five (5) calendar days of receipt of the final report, the parties must elect in writing to the Director of Equity and Title IX Coordinator whether they intend to move forward with VPSA adjudication (Section V.C.ii.) or formal panel adjudication (Section V.C.iii.). If either party elects to go to a formal panel, the formal panel will be convened by the Director of Equity and Title IX Coordinator to adjudicate the matter. If neither party elects to go to a formal panel, the VPSA will adjudicate the matter.

Vice President of Student Affairs (VSPA) Adjudication and Resolution

The VPSA shall review the final report and if the VPSA determines that further information is needed from the Investigator, the VPSA may remand the report to the Investigator for further questioning or investigation. Within seven (7) calendar days after receipt of the final report (or the updated report if it is remanded to the Investigator), the VPSA shall determine, based on the final report, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and whether such conduct is a violation of the EO Policy. If the VPSA determines by a preponderance of the evidence that the Respondent's conduct as alleged did not occur or did not constitute a violation of the EO Policy, the VPSA shall advise the parties in writing.

If the VPSA determines that the Respondent violated the EO Policy, the VPSA shall also determine the appropriate sanction(s). Prior to the determination of an appropriate sanction(s): (i) the VPSA shall review the Respondent's disciplinary record at the College; (ii) the Complainant will be given an opportunity to submit a written impact statement, i.e. how the Complainant has been impacted and what the Complainant believes would be appropriate sanctions and resolution; (iii) and, the Respondent will be given an opportunity to submit a written mitigating factors statement and what the Respondent believes would be appropriate sanctions and resolution. These statements shall be submitted to the VPSA within a reasonable timeline set forth by the VPSA. In addition, the VPSA may, solely in the VPSA's discretion, schedule a meeting with the parties, individually, after determining that the Respondent violated the EO Policy.

Within five (5) calendar days after receipt of the statements or deadline for submission, the VPSA shall issue a written decision and sanction(s) determination to the parties. If the VPSA determines that the appropriate sanction for a Respondent student is expulsion or for a Respondent student group is disciplinary termination, the VPSA shall consult with the President of the College before issuing the final sanction determination.

Notification to the parties will be made simultaneously and in writing, and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official

College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

Formal Panel ("Panel") Adjudication and Resolution after Conclusion of Investigation

The Panel shall consist of three (3) elected and/or appointed and trained faculty and staff members. The Director of Equity and Title IX Coordinator shall convene the Panel. When convening a Panel, the Director of Equity and Title IX Coordinator, in consultation with the VPSA when appropriate, shall choose Panel members considering, but not limited to, potential conflict of interest, potential bias or perception of bias, availability, and understanding of particular issue(s) presented in a particular case.

The parties shall be advised of the names of the Panel members and each party shall have the right to challenge the participation of a Panel member for reasons such as a personal bias towards a participant or a preformed judgment in the particular matter. If such a challenge is made, the decision to remove a Panel member will be made by the Director of Equity and Title IX Coordinator or the VPSA, as appropriate, after consultation with the remaining Panel members. In all instances, the parties shall not, directly or indirectly, contact any Panel member regarding the proceedings.

A majority decision of the Panel (two out of three) is necessary in order to make a determination.

The Panel shall review the final report and if the Panel determines that further information is needed from the Investigator, the Panel may remand the report to the Investigator for further questioning or investigation. Within seven (7) calendar days after receipt of the final report (or the updated report if it is remanded to the Investigator), the Panel shall determine, based on the final report, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and whether such conduct is a violation of the EO Policy. If the Panel determines by a preponderance of the evidence that the Respondent's conduct as alleged did not occur or did not constitute a violation of the EO Policy, the Panel shall advise the parties in writing.

If the Panel determines that the Respondent violated the EO Policy, the Panel shall also determine recommended sanctions. Prior to the determination of recommended sanctions, the Complainant will be given an opportunity to submit a written impact statement, i.e. how the Complainant has been impacted and what the Complainant believes would be appropriate sanctions and resolution, and the Respondent will be given an opportunity to submit a written mitigating factors statement and what the Respondent believes would be appropriate sanctions and resolution. These statements shall be submitted to the Panel within the reasonable timeline set by the Panel.

Within five (5) calendar days after receipt of the statements or deadline for submission, the Panel shall issue a written decision and recommended sanction(s) determination to the VPSA.

The VPSA shall review the Panel's finding and recommended sanction(s) determination, if recommended. The VPSA shall make the final sanction determination in writing within five (5) calendar days of receipt of Panel's recommendation or deadline for submission and shall issue the written decision and final sanction determination to the parties. The VPSA shall provide to the parties, in writing, the Panel's finding and recommended sanction determination, the VPSA's final sanction determination, and include an explanation if the VPSA determines that a different sanction(s) is more appropriate. The VPSA may extend this deadline as reasonably necessary and, if so, shall provide written notification to the parties.

If the VPSA determines that the appropriate sanction for a Respondent student is expulsion or a Respondent student group is disciplinary termination, the VPSA shall consult with the President of the College before issuing the final sanction determination.

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

D. Title IX Formal Investigation and Resolution with Live Hearing

The U.S. Department of Education has prescribed a specific formal resolution process that schools subject to Title IX must follow for certain sexual harassment allegations that fall within the U.S. Department of Education's definition of Title IX Sexual Harassment (see EO Policy). The Title IX Coordinator determines whether allegations fall within the U.S. Department of Education's definition of Title IX Sexual Harassment such that the formal resolution process detailed in this section must be followed. Allegations that do not fall within the U.S. Department of Education's definition of Title IX Sexual Harassment shall not follow the formal process detailed in this section and will follow the formal process detailed in Section V.C. above. If there are allegations of Title IX Sexual Harassment and non-Title IX discrimination (such as race discrimination) within the same Complaint, the procedure in this section shall be followed.

The process detailed here does not foreclose the parties' option to choose an adaptable resolution (see Section V.B. above) in lieu of this formal process.

1. Investigation

The investigation procedures in this section shall follow the same approach and format as detailed in Section V.C. above with the following key differences:

- Draft investigation report: Instead of a report that contains only relevant evidence as determined by the Investigator, the draft report shall include all evidence obtained as part of the investigation and directly relates to the allegations whether relevant or not.
- The parties will be given ten (10) calendar days, subject to extension for good cause, to review and draft a written response to the draft report.
- The final report will be submitted to the parties and the hearing Decision-makers at least ten (10) prior to the live hearing.

2. Live Hearing and Cross-Examination

The U.S. Department of Education mandates that the school must conduct a live hearing for Title IX Sexual Harassment allegations, and parties and witnesses must be subject to cross-examination by a party's advisor.

The live hearing shall be held by a hearing panel of three trained Decision-makers of which one shall serve as the "Hearing Chair". While the hearing panel may ask questions of parties and witnesses, cross examination questions may only be conducted by a party's advisor. If a party does not have an advisor, the Title IX Coordinator shall appoint an advisor trained to conduct cross examination for the party who does not have an advisor.

a) Pre-hearing

Parties shall receive the final report, all relevant evidence to be submitted to the hearing panel, the names of persons who will participate at the live hearing, including the hearing panel, and hearing procedures, at least ten (10) calendar days prior to the hearing.

Any objection to any hearing panelist must be made in writing to the Title IX Coordinator, detailing the rationale for the objection, and submitted as soon as possible and no later than five (5) days prior to the hearing. Decision-makers will only be removed and replaced if the Title IX Coordinator concludes that a Decision-maker's perceived or actual bias or conflict of interest precludes an impartial hearing.

The live hearing is not a re-investigation of the matter. The purpose of the live hearing is for the Decision-makers and parties to directly question, through their advisor, the other party or witnesses on any unanswered relevant aspect of the allegation(s) or investigation.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless the witness was, for good cause, unable to participate during the investigation phase, likely has relevant information, and all parties and the hearing chair agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. The hearing chair makes the final decision should there be an objection by either or both parties.

During the ten (10) calendar day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. Comments a party would like to submit to the hearing panel prior to the hearing may be sent in writing to the Title IX Coordinator no later than five (5) days prior to the live hearing and the Title IX Coordinator will forward to the hearing panel and other party. Comments on the evidence a party would like to share with the hearing panel less than five (5) days prior to the live hearing may be shared with the hearing panel during the live hearing.

b) Pre-hearing Meeting

Two to five days prior to the live hearing, the Hearing Chair may convene separate pre-hearing meeting(s) with the parties and their advisors to discuss the following:

- Appropriate decorum and questioning during the live hearing.
- Advisors may submit in advance to the Hearing Chair questions they (the parties and/or their Advisors) wish to ask of the other party or witnesses during the hearing. If so, at the pre-hearing meeting, the Hearing Chair may discuss with the party and their advisor what questions may be allowed or not allowed. This advance review opportunity does not preclude advisors from asking questions at the live hearing that may not have been previously allowed based on any new information or testimony offered at the hearing.
- The Hearing Chair may decide, based on the pre-hearing meeting with the party and their advisor, that the advisor does not have sufficient knowledge, skill, or preparation to adequately conduct cross-examination. In such a case, the Hearing Chair will notify the Title IX Coordinator and the party may either choose a different advisor or their choice or an appropriately trained advisor shall be appointed.

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

c) Live Hearing

Participants at the live hearing will include the three hearing panelists, the hearing facilitator (the Title IX Coordinator or designee), the Investigator(s) who conducted the investigation, the parties, advisors to the parties, witnesses, and anyone providing authorized accommodations or assistive services.

The Hearing Chair shall begin the live hearing with an explanation of the hearing procedure and introduce the participants. While the Hearing Chair may decide the most appropriate order of participants to call, the Hearing Chair will typically call participants to testify in the following order:

- Investigator(s) (one investigator shall represent if more than one investigator was used)
- Complainant
- Respondent
- Witnesses

The typical order of questioning shall be made first by the hearing panel, the Complainant's advisor, then the Respondent's advisor, though the Hearing Chair may decide on a different order of questioning. If needed or requested, the Hearing Chair may allow a second round of questioning to be conducted.

The Hearing Chair shall make a relevance determination on each question asked by the advisors after the question has been asked and prior to the participant answering. If a question is disallowed, the Hearing Chair will provide a brief explanation on the basis that the question is irrelevant, redundant, or abusive.

The Hearing Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the hearing panel and the parties' advisors and the witness will then be excused.

If a party or witness chooses not to submit to cross-examination at the hearing, the hearing panel may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The hearing panelists may not draw any inference solely

from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. Evidence provided that is something other than a statement by the party or witness during the investigation or at the hearing may be considered.

If conduct of a policy violation other than Title IX sexual harassment are considered at the same hearing, the hearing panelists may consider all evidence it deems relevant whether or not the party or witnesses were subject to cross-examination.

If a party's advisor refuses to comply with hearing decorum, the Hearing Chair may pause proceedings and require the party to use a different advisor of choice or one provided by the College.

The hearing will be audio or video recorded by the College, whichever is most feasible. No other person is authorized to record the hearing.

d) Hearing Conclusion and Notice of Outcome

Each party shall be allowed, but is not required, to make a closing statement to the hearing panel at the conclusion of all testimony and questioning. All participants will then be dismissed from the live hearing.

Following close of the live hearing, the hearing panel shall deliberate all relevant evidence including the investigation report, related documentary and/or tangible evidence, and testimony from the live hearing. Within five (5) calendar days following close of the live hearing, barring an extension for good cause, the hearing panel shall make a determination, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and whether such conduct is a violation of the EO Policy and other College policy(ies), as applicable. If the hearing panel determines by a preponderance of the evidence that the Respondent's conduct as alleged did not occur by a preponderance of the evidence or did not constitute a violation of the EO Policy, the hearing panel shall issue their decision in writing to the parties within five (5) calendar days following close of the live hearing.

If the hearing panel determines that the Respondent violated the EO Policy, the Panel shall also determine recommended sanctions. Prior to the determination of recommended sanctions, the Complainant will be given an opportunity to submit a written impact statement, i.e. how the Complainant has been impacted and what the Complainant believes would be appropriate sanctions and resolution, and the Respondent will be given an opportunity to submit a written mitigating factors statement and what the Respondent believes would be appropriate sanctions and resolution. These statements shall be submitted to the hearing panel within the reasonable timeline set by the hearing chair.

Within five (5) calendar days after receipt of the statements or deadline for submission, the hearing panel shall issue a written decision with rationale and recommended sanction(s) determination to the VPSA.

The VPSA shall review the hearing panel's finding and recommended sanction(s) determination, if recommended. The VPSA shall make the final sanction determination in writing within five (5) calendar days of receipt of the hearing panel's recommendation or deadline for submission and shall issue the written decision and final sanction determination to the parties. The VPSA shall provide to the parties, in writing, the hearing panel's finding and recommended sanction determination, the VPSA's final sanction determination, and include an explanation if the VPSA determines that a different sanction(s) is more appropriate. The VPSA may extend this deadline as reasonably necessary and, if so, shall provide written notification to the parties.

If the VPSA determines that the appropriate sanction for a Respondent student is expulsion or a Respondent student group is disciplinary termination, the VPSA shall consult with the President of the College before issuing the final sanction determination.

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

Withdrawal or Resignation While Charges Pending

The College shall place a temporary disciplinary hold on student transcripts in pending disciplinary cases which shall have the effect of preventing any student who is the subject of a disciplinary proceeding from obtaining or authorizing the release of the student's transcript, withdrawing from the College, being granted a leave of absence or graduating and receiving a diploma until such time as the disciplinary proceeding is finally concluded. Should a Respondent decide to leave and not participate in the investigation and/or adjudication process, the process will nonetheless proceed in the Respondent's absence and, should the determination be that the EO Policy was violated, the Respondent will not be permitted to return to the College unless all sanctions have been satisfied.

Should a student employee resign while allegations are pending and/or an investigation is proceeding under the EO Policy, the records of the student employee will reflect that status and/or the outcome of the investigation, as will all Muhlenberg College responses to any future inquiries regarding employment references for that individual. The Director of Equity and Title IX Coordinator, in consultation with the VPSA and/or the Vice President of Human Resources, will act to promptly and effectively remedy the effects of the conduct upon the Complainant and the community.

Sanctions

This is a list of typical sanctions that may be imposed upon students or organizations singly or in combination who have engaged in harassment, discrimination and/or retaliation in violation of the EO Policy. (See "Student Code of Conduct" for the full list of sanctions):

- Educational Session
- Disciplinary Warning/Reprimand
- Disciplinary Probation
- Suspension
- Expulsion
- Delay of Degree
- Revocation of Admission
- Organizational Sanctions (See "Student Code of Conduct")
- Restorative Practices (See "Student Code of Conduct")

Student Employee Sanctions

Typical sanctions for a student employee who has engaged in harassment, discrimination and/or retaliation may include:

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

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation including:

- Whether conduct was directed at a particular individual or group
- Whether conduct involved a physical act
- Whether conduct involved intentional conduct
- Whether the Respondent was in a supervisory or leadership position
- An individual's disciplinary history;
- Previous reports or allegations involving similar conduct that show a pattern or persistence of behavior;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation;
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community;
- Aggravating or mitigating factors including those articulated by the parties; or
- Any other information deemed relevant in the resolution.

Appeals

The parties have a right to appeal the conduct and sanction determinations. Appeal rights are provided to the parties in writing in the notice of outcome. Sanctions issued are implemented immediately unless the Director of Equity and Title IX and the VPSA stay their implementation in extraordinary circumstances, pending the outcome of the appeal.

All requests for appeal under the EO Policy must be submitted in writing pursuant to the following procedure:

1. Appeals must be submitted in writing to the Director of Equity and Title IX within seven (7) calendar days after the delivery of the written determination from the Adjudication and Resolution. A party may request additional time to file an appeal for good cause, but must request the time extension within the allotted time to file an appeal. If granted by the Director of Equity and Title IX, both parties shall be granted the time extension. The original finding and sanction/responsive actions will stand as the final determination if the appeal is not timely.
2. Either party may file an appeal, but all appeals are limited to the following grounds:
 - a. **Error of Judgement:** There was a clear error of judgement where the decision was made with no reasonable basis or adequate consideration of all of the relevant circumstances.
 - b. **Bias affecting Judgement:** The Director of Equity & Title IX Coordinator, the investigator(s), Decision-maker(s), or VPSA harbored bias for or against one or both parties, or had a conflict of interest, such that it affected the outcome of the matter.
 - c. **Procedural Error:** A procedural error or omission occurred that could have significantly impacted the finding or sanctions (e.g. substantiated bias, material deviation from established procedures, etc.)
 - d. **New Evidence:** New evidence is information that was unknown or unavailable during the original investigation that could have significantly impacted the finding or sanctions. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact must be included in the appeal.
 - e. **Sanction Inappropriate:** The sanction is clearly inappropriate or is not commensurate with the conduct violation.
3. The Director of Equity and Title IX, shall appoint a trained, neutral appeal officer to review and decide the appeal.
4. When a party files an appeal, the other party and, if appropriate, the Investigator(s), the VPSA, or the Panel Chair if there was a panel decision, will be notified and given an opportunity to respond to any and all ground(s) on which the appeal is based. Any response to an appeal must be submitted to the appeal officer within seven (7) calendar days of notice. Any responsive person may request additional time to file a response for good cause, but must request the time extension within the allotted time to file a response. If granted by the appeal officer, all responsive persons shall be granted the time extension.

5. The party filing the appeal has the burden of proof. Such party must show that the grounds for an appeal have been met, and the other party may respond that the grounds have not been met or that additional grounds are met.
6. The appeal officer may consult with the Director of Equity and Title IX and/or other College administrators or legal counsel as needed.
7. The appeal officer shall consider the following principles, but is not limited to such principles, when deciding an appeal:
 - The decision by the appeal officer is to be deferential to the original decision. The original finding and sanction are presumed to have been decided reasonably and appropriately.
 - Appeals are not intended to be a full re-investigation of the original allegation. In most cases, appeals are confined to a review of the final report, written adjudication and resolution document, and other pertinent documentation regarding the grounds for appeal.
 - An appeal granted based on new evidence should normally be remanded to the VPSA or designee, or Panel, respectively, for reconsideration.
 - An appeal granted based on other grounds may either be remanded to the Investigator, VPSA, or the Panel, to re-open the investigation, clarify findings, or remedy errors.
 - If the appeal officer grants the appeal based on inappropriate sanctions, the appeal officer may alter the sanction or remand to the VPSA or the Panel, as appropriate, to issue an appropriate sanction. If the appeal officer determines that the appropriate sanction for a Respondent student is expulsion or a Respondent student group is disciplinary termination, the appeal officer shall consult with the President of the College before issuing the final sanction determination. Such sanction determination shall be final.
 - Once an appeal is decided, the outcome is final: further appeals are not permitted.
8. The appeal officer will issue its decision within seven (7) calendar days of receipt of all information and responses. In instances where the appeal officer needs additional time, the appeal officer shall notify the parties, the Director of Equity and Title IX, and the VPSA within the allotted time for issuing a decision.
9. **In Cases of Expulsion of a Student** - the appeal officer shall consult with the President before issuing the final determination.
10. The appeal officer shall issue its decision in writing to the parties, the Director of Equity and Title IX and the VPSA. Notification to the parties will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties' College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.
11. The appeal officer's decision is final.

[Procedures for Resolution of Complaints Against Faculty](#)

The procedures described below will apply to any allegations that have been made against a faculty member under the Equal Opportunity and Nondiscrimination Policy (EO Policy). The College seeks to complete informal and formal resolutions of student and employee cases of reported dating violence, domestic violence, sexual assault, or stalking, in as prompt a timeframe as possible.

A. Intake Process

Once on notice of alleged Prohibited Conduct, the Director of Equity & Title IX Coordinator (or designee) will notify the Provost of the same. The Provost will determine whether the department chair is similarly notified. The Director of Equity & Title IX Coordinator will meet with the Complainant (and with the Complainant's advisor if the Complainant chooses to have one) to discuss the allegation. The Director of Equity & Title IX Coordinator will gather additional information from the Complainant and gather any other necessary information to make an initial determination regarding whether the Respondent and the conduct alleged are covered under the EO Policy. At

any point during the intake process (or any other process defined below) the Complainant may request and/or the Director of Equity & Title IX Coordinator shall also determine whether any supportive or interim measures are appropriate.

- i. If the conduct alleged is not covered under the EO Policy, the Complainant may be referred to another office who would have jurisdiction; the Director of Equity & Title IX Coordinator may discuss the matter with the Provost to determine if respectful communication, remedial actions, education, and/or effective conflict resolution mechanisms that do not lead to disciplinary action would be appropriate; or, the report will be documented for information only, and the matter closed.
- ii. If no Complainant is identified, the conduct alleged is covered under the EO Policy, and a known Respondent has been identified, the Director of Equity & Title IX Coordinator will discuss the matter with the Provost to determine whether the College will move forward as the Complainant.
- iii. If no Complainant is identified, the conduct alleged is not covered under the EO Policy, and/or a known Respondent has not been identified, the Director of Equity & Title IX Coordinator will discuss the matter with the Provost to determine whether community-based education, training, or other prevention or remedial actions would be appropriate; or, the report will be documented for information only, and the matter closed.
- iv. If a Complainant is identified and chooses to move forward with a Complaint, the Complainant will be presented with formal and informal resolution options. Typically, the Complainant may choose to move forward with either of these options. However, in certain cases, an informal resolution option may not always be appropriate, e.g. cases involving potential criminal conduct in addition to a possible policy violation, a pattern of conduct, or predation. If the Complainant chooses to pursue informal resolution, the Director of Equity & Title IX Coordinator and the Provost in discussion with the Complainant shall determine whether it is appropriate on a case-by-case basis. If the Complainant chooses to pursue a formal resolution, then formal proceedings shall commence. (See Section V.C. and D. below).

B. Adaptable (Informal) Resolution Options

Recognizing that every situation is different and every individual's needs are different. the College seeks to provide as many types of fair resolutions as possible to adapt to the needs of our community members. Therefore, in lieu of the formal investigation and resolution processes defined below, the parties may agree to resolve the Complaint by one of the following methods of resolution:

1. The parties agree to engage in a restorative justice process to resolve the matter,
2. The parties agree to resolve the matter through a negotiated resolution facilitated by the Director of Equity & Title IX and/or designee, or
3. The parties agree that the Respondent accepts responsibility for violating the EO Policy and the parties agree to engage in an interactive process with the Director of Equity & Title IX and the Provost to determine an appropriate sanction and resolution.

To initiate one of the adaptable resolution processes, the Complainant must first file a formal complaint with the Office of Equity & Title IX. At the time of filing the formal complaint, the Complainant may simultaneously request to participate in one of the adaptable resolutions, and the Respondent shall be notified of both the notice of Complaint and the Complainant's request to engage in an adaptable resolution. The Respondent may accept or reject the option to engage in an adaptable resolution. Alternatively, either party may request to engage in an adaptable resolution process any time after the formal resolution proceedings have been initiated. The request must be made in writing to the Director of Equity & Title IX. Once received, the Director of Equity & Title IX will notify the other party who can agree to or reject the offer to engage in an adaptable resolution. If a party rejects an adaptable resolution option, the formal resolution process defined below shall be followed. Resolution of Complaints

Once the parties agree to engage in an adaptable resolution, the formal resolution proceedings shall be placed on hold. If the adaptable resolution process results in an outcome agreed upon by both parties, the formal

resolution proceedings shall be closed. If the adaptable resolution process breaks down and does not reach a result agreeable to both parties, the formal resolution proceeding will initiate or resume.

Adaptable resolution is not available in situations where a student has alleged sexual harassment against an employee.

Adaptable resolution outcomes are not appealable.

i. Restorative Justice (RJ) Process

Restorative Justice is a philosophy of accountability focused on the reparation of harm, recognition of solving of any underlying problems that may have led to harm, and reconciliation of interpersonal conflict. RJ is an intentional practice that identifies who has been harmed, determines what actions are necessary to repair the harm, restores relationships, and seeks to prevent recurrence of harm. An RJ process may involve a restorative circle, a restorative conference, restorative statements, or another restorative process designed by the facilitator to best address harm and reconciliation.

If parties agree to engage in an RJ process, the first step will be for the parties to separately meet with the RJ facilitator to determine the most appropriate RJ process for the situation. The RJ facilitator will guide and communicate with the parties throughout the entire RJ process. The RJ process will be documented, as well as any resolution reached during the RJ process, and kept in a confidential file in the Provost's Office and the Office of Equity & Title IX.

Failure by the parties to abide by the RJ resolution may result in appropriate responsive or disciplinary action. If no resolution is reached through the RJ process, the RJ facilitator will refer the matter back to the Director of Equity & Title IX to determine appropriate next steps.

To promote candor, honesty, and genuine participation, and recognizing that the RJ process requires a certain level of vulnerability from participants, information disclosed during the RJ process will remain confidential. The RJ facilitator will not share information disclosed during the RJ process, for example, to the Investigator and Decision-makers, should the RJ process break down and revert to the formal process.

ii. Negotiated Resolution

The Parties may agree to engage in a negotiated resolution facilitated by the Director of Equity & Title IX, or designee, where parties can negotiate an agreement to resolve the Complaint. The first step in this process will be for the facilitator to meet with each party separately and assess the needs of the party and their desired outcome. Some possible outcomes of a negotiated resolution can include one or some of the following:

- Counseling Sessions
- No Contact Order
- Bi-weekly or monthly check in meetings with the Director of Equity & Title IX, Provost, Associate Provost, or other appropriate College official
- Restriction from participation in particular events
- Individualized training
- Change in assignments or position
- Performance improvement plan

Negotiated resolution will generally not be an appropriate resolution mechanism used to address allegations of conduct that could justify suspension or termination from the College, which includes egregious intentional and targeted discriminatory or harassing conduct, or any conduct that may also be criminal (e.g. hate crime, sexual assault, intimate partner violence, or stalking).

The negotiated resolution shall be documented and kept in a confidential file in the Provost's Office and the Office of Equity & Title IX. Failure by the parties to abide by the negotiated resolution may result in appropriate responsive or disciplinary action.

Similar to the RJ process, to promote candor, honesty, and genuine participation, information disclosed during the negotiated resolution will remain confidential. The facilitator will not share information disclosed during negotiated resolution process, for example, to the Investigator and Decision-makers, should the resolution process break down and revert to the formal process.

iii. Respondent Accepts Responsibility

At any time prior to the completion of a Formal Resolution option (see Sections C. and D. below), the Respondent may choose to accept responsibility for one, some or all of the allegations.

The Respondent shall notify the Director of Equity & Title IX of their choice to accept responsibility, pause the formal resolution, and resolve the matter through an interactive process with the Complainant, the Director of Equity & Title IX and the Provost to determine an appropriate sanction and resolution. The Director of Equity & Title IX will notify the Complainant of the Respondent's acceptance of responsibility. The Complainant may choose to pause the formal resolution and resolve the matter through an interactive process with the Respondent, the Director of Equity & Title IX and the Provost, or choose to continue with the formal resolution process.

If the Respondent accepts responsibility for one or some of the allegations, the parties may choose whether to resolve all allegations through the interactive process, resolve only the allegation(s) for which the Respondent accepted responsibility through the interactive process and proceed with the formal resolution process on the remaining allegations, or move forward with the formal resolution process noting in the investigation report for Decision-makers that the Respondent had accepted responsibility for one or some of the allegations.

The resolution reached through the interactive process shall be documented and kept in a confidential file in the Provost's Office and the Office of Equity & Title IX. Failure by the parties to abide by the resolution may result in appropriate responsive or disciplinary action.

Should the interactive process break down and revert back to the formal process, the Respondent's acceptance of responsibility for some or all of the allegations shall be shared with the Investigator and Decision-makers, as the Respondent's acceptance of responsibility is relevant and pertinent to the Decision-makers per the formal resolution process.

C. Formal Investigation and Resolution for non-Title IX allegations

If an adaptable resolution is not chosen by the parties, the Complaint shall proceed under the formal resolution process detailed in Section V.C. or D. The formal resolution begins with an investigation. The Director of Equity & Title IX Coordinator shall appoint a trained impartial Investigator or Investigators ("Investigator") to conduct the investigation.

i. Formal Investigation

Investigators shall adhere to the following guidelines for investigations:

- Investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary. Interviews will be conducted separately and individually with parties and witnesses.
- Investigations are completed as expeditiously as possible. Investigations may take longer however, in exigent or extenuating circumstances.
- The College's investigation and resolution process will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that criminal charges have been dismissed or reduced.
- Parties are permitted to ask questions of the other party and witnesses ("cross-examination") through the Investigator during the investigation process. The Investigator has sole discretion to determine relevance of any questions asked.
- Parties and Witnesses are expected to cooperate with and participate in the College's investigation. Interviews may, in certain circumstances, be conducted virtually by video or phone, and written statements may be provided if a live interview is not possible. .

- If a Respondent elects to not participate in the investigation, the Respondent will not have the opportunity to offer new evidence during the appeal stage of the process. (See Appeals Section VII below.)

Dismissal of Complaint

At any point during the formal resolution process, if it is determined by the Investigator, the Director of Equity & Title IX, or the Decision-makers, that there is no reasonable cause to believe that the EO Policy has been violated, the Director of Equity & Title IX Coordinator and Provost shall have authority to terminate the investigation and end formal resolution proceedings. Notification of such dismissal will be provided in writing simultaneously to the Complainant and Respondent. This decision may be appealed by either party pursuant to Section VII below.

If at any point during the formal resolution proceedings, the Complainant notifies the Director of Equity & Title IX that they wish to withdraw their Complaint and stop the formal resolution process, the Director of Equity & Title IX Coordinator and Provost may choose to terminate the investigation and end formal resolution proceedings on a case-by-case basis. This decision is not appealable.

Dismissal will not preclude continuation of appropriate supportive or interim measures, or referral to another department to review if appropriate.

Investigation Timeframe

Typically, an investigation will be completed within sixty (60) calendar days from the filing of a formal complaint with the Office of Equity and Title IX, or the date upon which the Office of Equity and Title IX decides to pursue an investigation, whichever is first. In some circumstances, it may be necessary to extend that timeframe for good cause. If good cause exists to extend the investigation timeframe beyond 60 days, as determined by the Investigator in consultation with the Director of Equity & Title IX Coordinator, both parties will be promptly notified.

Advisor Participation in a Formal Investigation

For longer or more involved discussions, the parties and their advisor should ask for breaks or step out of meetings to allow for private conversation. A party with their advisor may request to meet or speak with the Investigator in advance of any interview for a pre-meeting. This pre-meeting will allow an advisor to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

There may be instances in which a party will wish to disclose documentation related to the allegations with their advisor. In such cases, the College provides a consent form that authorizes such disclosure. The party must complete this form before the College is able to distribute records with an advisor in addition to the party. An advisor is expected to maintain the confidentiality of the records disclosed to them. These records may not be disclosed to third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

ii. Formal Investigation Conclusion

1. Draft investigation report: At the conclusion of the investigation, the Investigator will draft a preliminary investigation report ("draft report"). The draft report is a written report of the totality of the relevant evidence gathered during the investigation. The draft report is distributed electronically with both parties, individually. The parties have an opportunity to review the report and submit feedback, corrections, or questions, including but not limited to cross-examination questions, if the parties chose to do so.
2. The parties will have within seven (7) calendar days after issuance of the draft report to schedule a meeting with the Investigator to provide feedback, corrections, or questions to the Investigator. The meeting shall be scheduled as soon as possible and no later than ten (10) calendar days after issuance of the draft report. The Investigator may extend such time as reasonably necessary.

3. At times, feedback may necessitate further investigation or inquiry. If further relevant information is gathered by the Investigator, the Investigator will issue a supplement to the draft report to the parties for review and response and will determine a reasonable amount of time for feedback to the supplemental information, which will generally not exceed five (5) calendar days.
4. While the parties may disagree with the Investigator as to the form or contents of the draft report, or the relevance of evidence included or omitted, the Investigator, in consult with the Director for Equity and Title IX has sole discretion of the form and content of the final report, though the Investigator should note a party's disagreement in the final report. Parties may appeal on this basis if they wish. (See Appeals Section VII below.)
5. Final report: The Investigator then prepares the final investigation report that incorporates the draft report, feedback to the draft report, and an analysis and recommendation as to whether the evidence meets a preponderance of the evidence standard that the alleged Prohibited Conduct occurred. The final report is reviewed by the Director of Equity & Title IX Coordinator and legal counsel, when necessary, prior to issuance to the parties and the Provost. The Investigator shall issue the final report within two (2) weeks upon receipt of the last feedback to the draft report unless good cause (see fn. 6 above) exists for extension. If the Investigator is unable to issue the final report within the two-week time frame, the Investigator will provide written notification and explanation to the parties.
6. Within five (5) calendar days of receipt of the final report, the parties must elect in writing to the Director of Equity & Title IX Coordinator whether they intend to move forward with Provost adjudication or formal panel adjudication. If one party elects or both parties elect to go to a formal panel, the formal panel will be convened by the Director of Equity & Title IX Coordinator to adjudicate the matter.

iii. Provost Adjudication and Resolution after Conclusion of Investigation

The Provost shall review the final report and if the Provost determines that further information is needed from the Investigator, the Provost may remand the report to the Investigator for further questioning or investigation. Within seven (7) calendar days after receipt of the final report (or the updated report if it is remanded to the Investigator), the Provost shall determine, based on the final report, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and if the conduct occurred as alleged, whether the conduct is a violation of the EO Policy. If the Provost determines that further information is needed, the Provost may remand the report to the Investigator for further questioning or investigation.

The Provost shall also determine the appropriate sanction (see Section VI below) if the Provost determines that the Respondent violated the EO Policy. Prior to determining the appropriate sanction, the Complainant will be given an opportunity to make an impact statement, i.e. how they have been impacted and what they believe would be an appropriate sanction and resolution, and the Respondent will be given an opportunity to make a mitigating factors statement and what they believe would be an appropriate sanction and resolution. Typically, the Provost shall schedule a meeting with the parties, individually, as soon as possible after determining that the Respondent violated the EO Policy for parties to make such statements. However, at the Provost's discretion, these statements may also be submitted in writing within a reasonable timeframe set by the Provost.

Upon receipt of the parties' statements, if submitted, the Provost shall make their decision in writing within five (5) days of receipt of the statements or deadline for submission and issue, simultaneously, their written decision and sanction determination to the parties. The Provost may extend this deadline as reasonably necessary, if so, and shall provide written notification to the parties.

In Cases of Suspension or Termination of a Tenured Faculty Member

When the Provost determines that the appropriate sanction for a Respondent tenured faculty member is suspension or termination, the Provost shall consult with the President before issuing the final sanction determination.

iv. Formal Panel (“Panel”) Adjudication and Resolution after Conclusion of Investigation

The Panel shall consist of three (3) panel members and a Panel Chair will be chosen by the Panel in consultation with the Director of Equity & Title IX Coordinator. When convening a Panel, the Director of Equity & Title IX Coordinator shall choose panel members considering, but not limited to, potential conflict of interest, potential bias or perception of bias, availability, and understanding of particular issue(s) presented in a particular case.

A majority decision (two out of three) is necessary in order to make a determination.

The Panel shall review the final report and if the Panel determines that further information is needed from the Investigator, the Panel may remand the report to the Investigator for further questioning or investigation. Within seven (7) calendar days after receipt of the final report (or the updated report if it is remanded to the Investigator), the Panel shall determine, based on the final report, whether the Respondent’s conduct occurred as alleged by a preponderance of the evidence, and if the conduct occurred as alleged, whether the conduct is a violation of the EO Policy. If the Panel determines that further information is needed, they may remand the investigation to the Investigator for further questioning or investigation.

The Panel shall also determine a recommended appropriate sanction (see Section VI below) if the Panel finds that the Respondent violated the EO Policy. Prior to determining the appropriate sanction, the Complainant will be given an opportunity to make an impact statement, i.e. how they have been impacted and what they believe would be an appropriate sanction and resolution, and the Respondent will be given an opportunity to make a mitigating factors statement and what they believe would be an appropriate sanction and resolution. Typically, the Panel shall schedule a meeting with the parties, individually, as soon as possible after determining that the Respondent violated the EO Policy for parties to make such statements. However, at the Panel’s discretion, these statements may also be submitted in writing within a reasonable timeframe set by the Panel.

Upon receipt of the parties’ statements, if submitted, the Panel shall make their decision in writing within five (5) calendar days of receipt of all statements or deadline for submission and issue their written decision and recommended sanction determination to the parties and the Provost. The Panel may extend this deadline as reasonably necessary and shall provide written notification to the parties and the Provost.

The Provost shall review the Panel’s finding and recommended sanction determination, if recommended. The Provost makes the final sanction determination. The Provost shall make the final sanction determination in writing within five (5) calendar days of receipt of Panel’s recommendation or deadline for submission and issue the written decision and sanction determination to the parties. The Provost shall provide to the parties, simultaneously and in writing, of the Panel’s finding and recommended sanction determination, the Provost’s final sanction determination, and include an explanation if the Provost determines that a different sanction is more appropriate. The Provost may extend this deadline as reasonably necessary and, if so, shall provide written notification to the parties.

Title IX Formal Investigation and Resolution with Live Hearing

The U.S. Department of Education has prescribed a specific formal resolution process that schools subject to Title IX must follow for certain sexual harassment allegations that fall within the U.S. Department of Education’s definition of Title IX Sexual Harassment (see EO Policy). The Title IX Coordinator determines whether allegations fall within the U.S. Department of Education’s definition of Title IX Sexual Harassment such that the formal resolution process detailed in this section must be followed. Allegations that do not fall within the U.S. Department of Education’s definition of Title IX Sexual Harassment shall not follow the formal process detailed in this section and will follow the formal process detailed in Section V.C. above. If there are allegations of Title IX Sexual Harassment and non-Title IX discrimination (such as race discrimination) that within the same Complaint, the procedure in this section shall be followed.

The process detailed here does not foreclose the parties’ option to choose an adaptable resolution (see Section V.B. above) in lieu of this formal process.

1. Investigation

The investigation procedures in this section shall follow the same approach and format as detailed in Section V.C. above with the following key differences:

- Draft investigation report: Instead of a report that contains only relevant evidence as determined by the Investigator, the draft report shall include all evidence obtained as part of the investigation and directly related to the allegations whether relevant or not.
- The parties will be given ten (10) calendar days, subject to extension for good cause, to review and draft a written response to the draft report.
- The final report will be submitted to the parties and the hearing decision-makers at least ten (10) prior to the live hearing.

2. Live Hearing and Cross-Examination

The U.S. Department of Education mandates that the school must conduct a live hearing for Title IX sexual harassment allegations, and parties and witnesses must be subject to cross-examination by a party's advisor.

The live hearing shall be held by a hearing panel of three (3) trained Decision-makers of which one shall serve as the "Hearing Chair". While the hearing panel may ask questions of parties and witnesses, cross examination questions may only be conducted by a party's advisor. If a party does not have an advisor, the Title IX Coordinator shall appoint an advisor trained to conduct cross examination for the party who does not have an advisor.

a) Pre-hearing

Parties shall receive the final report, all relevant evidence to be submitted to the hearing panel, the names of persons who will participate at the live hearing, including the hearing panel, and hearing procedures, at least ten (10) calendar days prior to the hearing.

Any objection to any hearing panelist must be made in writing to the Title IX Coordinator, detailing the rationale for the objection, and submitted as soon as possible and no later than five (5) days prior to the hearing. Decision-makers will only be removed and replaced if the Title IX Coordinator concludes that a Decision-maker's perceived or actual bias or conflict of interest precludes an impartial hearing.

The live hearing is not a re-investigation of the matter. The purpose of the live hearing is for the Decision-makers and parties to directly question, through their advisor, the other party or witnesses on any unanswered relevant aspect of the allegation(s) or investigation.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless the witness was, for good cause, unable to participate during the investigation phase, likely has relevant information, and all parties and the hearing chair agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing.

During the ten (10) calendar day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. Comments a party would like to submit to the hearing panel prior to the hearing may be sent in writing to the Title IX Coordinator no later than five (5) days prior to the live hearing and the Title IX Coordinator will forward to the hearing panel and other party. Comments on the evidence a party would like to share with the hearing panel less than five days prior to the live hearing may be shared with the hearing panel during the live hearing.

b) Pre-hearing Meeting

Two to five days prior to the live hearing, the Hearing Chair may convene separate pre-hearing meeting(s) with the parties and their advisors to discuss the following:

- Appropriate decorum and questioning during the live hearing.
- Advisors may submit in advance to the Hearing Chair questions they (the parties and/or their Advisors) wish to ask of the other party or witnesses during the hearing. If so, at the pre-hearing meeting, the

Hearing Chair may discuss with the party and their advisor what questions may be allowed or not allowed. This advance review opportunity does not preclude advisors from asking questions at the live hearing that may not have been previously allowed based on any new information or testimony offered at the hearing.

- The Hearing Chair may decide, based on the pre-hearing meeting with the party and their advisor, that the advisor does not have sufficient knowledge, skill, or preparation to adequately conduct cross-examination. In such a case, the Hearing Chair will notify the Title IX Coordinator and the party may either choose a different advisor or their choice or an appropriately trained advisor shall be appointed.

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

The pre-hearing meeting(s) will not be recorded.

c) Live Hearing

Participants at the live hearing will include the three hearing panelists, the hearing facilitator (the Title IX Coordinator or designee), the Investigator(s) who conducted the investigation, the parties, advisors to the parties, witnesses, and anyone providing authorized accommodations or assistive services.

The Hearing Chair shall begin the live hearing with an explanation of the hearing procedure and introduce the participants. While the Hearing Chair may decide the most appropriate order of participants to call, the Hearing Chair will typically call participants to testify in the following order:

- Investigator (one investigator shall represent if more than one investigator was used)
- Complainant
- Respondent
- Witnesses

The typical order of questioning shall be made first by the hearing panel, the Complainant's advisor, then the Respondent's advisor, though the Hearing Chair may decide on a different order of questioning. If needed or requested, the Hearing Chair may allow a second round of questioning to be conducted.

The Hearing Chair shall make a relevance determination on each question asked by the advisors after the question has been asked and prior to the participant answering. If a question is disallowed, the Hearing Chair will provide a brief explanation on the basis that the question is irrelevant, redundant, or abusive.

The Hearing Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the hearing panel and the parties' advisors and the witness will then be excused.

If a party or witness chooses not to submit to cross-examination at the hearing, the hearing panel may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The hearing panelists may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. Evidence provided that is something other than a statement by the party or witness during the investigation or at the hearing may be considered.

If conduct of a policy violation other than Title IX sexual harassment are considered at the same hearing, the hearing panelists may consider all evidence it deems relevant whether or not the party or witnesses were subject to cross-examination.

If a party's advisor refuses to comply with hearing decorum, the Hearing Chair may pause proceedings and require the party to use a different advisor of choice or one provided by the College.

The hearing will be audio or video recorded by the College, whichever is most feasible. No other person is authorized to record.

d) Hearing Conclusion and Notice of Outcome

Each party shall be allowed, but is not required, to make a closing statement to the hearing panel at the conclusion of all testimony and questioning. All participants will then be dismissed from the live hearing.

Following close of the live hearing, the hearing panel shall deliberate all relevant evidence including the investigation report, related documentary and/or tangible evidence, and testimony from the live hearing. Within five (5) calendar days following close of the live hearing, barring an extension for good cause, the hearing panel shall make a determination, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and whether such conduct is a violation of the EO Policy and other College policy, as applicable. If the hearing panel determines by a preponderance of the evidence that the Respondent's conduct as alleged did not occur by a preponderance of the evidence or did not constitute a violation of the EO Policy, the hearing panel shall detail issue their decision in writing to the parties within five (5) calendar days following close of the live hearing.

If the hearing panel determines that the Respondent violated the EO Policy, the Panel shall also determine recommended sanctions. Prior to the determination of recommended sanctions, the Complainant will be given an opportunity to submit a written impact statement, i.e. how the Complainant has been impacted and what the Complainant believes would be appropriate sanctions and resolution, and the Respondent will be given an opportunity to submit a written mitigating factors statement and what the Respondent believes would be appropriate sanctions and resolution. These statements shall be submitted to the hearing panel within the reasonable timeline set by the hearing chair.

Within five (5) calendar days after receipt of the statements or deadline for submission, the hearing panel shall issue a written decision with rationale and recommended sanction(s) determination to the Provost.

The Provost shall review the hearing panel's finding and recommended sanction(s) determination, if recommended. The Provost makes the final sanction determination in writing within five (5) calendar days of receipt of the hearing panel's recommendation or deadline for submission and shall issue the written decision and final sanction determination to the parties. The Provost shall provide to the parties, simultaneously and in writing, the hearing panel's finding and recommended sanction determination, the Provost's final sanction determination, and include an explanation if the Provost determines that a different sanction is more appropriate. The Provost may extend this deadline as reasonably necessary and, if so, shall provide written notification to the parties.

Resignation While Investigation Pending

Should a Respondent faculty member resign after a Complaint has been filed and/or while a formal investigation is proceeding under the EO Policy, the College will continue to move forward with appropriate process as defined in these Procedures. The personnel records of the Respondent will reflect the status and/or the outcome of the investigation, as will the Vice President of Human Resources' responses to any future inquiries regarding employment references for that individual. If the outcome of the investigation is that no policy violation occurred, the Respondent's personnel record shall reflect the Respondent's resignation and no information about the EO investigation or final determination will be made in response to future inquiries.

Faculty Sanctions

Typical sanctions for an employee who has engaged in harassment, discrimination and/or retaliation may include:

- Warning – Verbal or Written
- Performance Improvement/Management Plan
- Required Counseling
- Required Training or Education
- Probation
- Loss of Annual Pay Increase

- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with Pay
- Suspension without Pay
- Termination of Employment
- Other Actions: In addition to, or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation, including but not limited to:
 - Whether conduct was directed at a particular individual or group
 - Whether conduct involved a physical act
 - Whether conduct involved intentional acts
 - Whether the Respondent was in a supervisory or leadership position;
- An individual's disciplinary history;
- Previous reports or allegations involving similar conduct that show a pattern or persistence of behavior;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation;
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community;
- Aggravating or mitigating factors including those articulated by the parties; or
- Any other information deemed relevant.

Faculty Appeals

The parties have a right to appeal the conduct and sanction determinations. Appeal rights are provided to the parties in writing in the notice of outcome. Sanctions issued are implemented immediately unless the Director of Equity & Title IX Coordinator and the Provost stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

An appeal must be submitted in writing pursuant to the following procedure:

1. Appeals must be submitted in writing to the Director of Equity & Title IX Coordinator within seven (7) calendar days of the delivery of the written determination from the Adjudication and Resolution.
2. Either party may file an appeal, but all appeals are limited to the following grounds:
 - a. Error of Judgment: There was a clear error of judgement where the decision was made with no reasonable basis or adequate consideration of all of the relevant circumstances.
 - b. Bias affecting Judgement: The Director of Equity & Title IX, the investigator(s), decision-maker(s), or Provost exhibited bias for or against the one or both parties, or had a conflict of interest, such that it affected the outcome of the matter.
 - c. Procedural Error: A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)
 - d. New Evidence: New evidence is information that was unknown or unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact must be included.
 - e. Sanction Inappropriate: The sanction is clearly inappropriate or is not commensurate with the conduct violation.
3. The Director of Equity & Title IX Coordinator, shall appoint a trained, impartial appeal officer to review and decide the appeal. The appeal officer will be a third party hired by the College.

4. The original finding and sanction determination will stand if the appeal is not timely. A party may request additional time to file an appeal for good cause, but must request the time extension within the allotted time to file an appeal. If granted by the appeal officer, both parties shall be granted the time extension.
5. When a party files an appeal, the other party and, if appropriate, the Investigator, the Provost, and/or the Panel Chair if there was a Panel decision, will be notified and given an opportunity to respond to any and all ground(s) on which the appeal was based. Any response to an appeal must be submitted to the appeal officer within five (5) calendar days of notice. Any responsive person may request additional time to file a response for good cause, but must request the time extension within the allotted time to file a response. If granted by the appeal officer, all responsive persons shall be granted the same time extension.
6. The party filing the appeal has the burden of proof. Such party must show that the grounds for an appeal have been met, and the other party may respond that the grounds have not been met or that additional grounds are met.
7. The appeal officer may choose to meet with a party if the appeal officer deems it necessary for review of their appeal. If the opportunity to meet is provided to one party, the same opportunity will be provided to the other party.
8. The appeal officer may consult with the Director of Equity & Title IX Coordinator and/or other College administrators or legal counsel as needed.
9. The appeal officer shall consider the following principles, but is not limited to such principles, when deciding an appeal:
 - The decision by the appeal officer is to be deferential to the original decision. The original finding and sanction are presumed to have been decided reasonably and appropriately.
 - Appeals are not intended to be a full re-investigation of the original allegation. In most cases, appeals are confined to a review of the final report, written adjudication and resolution document, and other pertinent documentation regarding the grounds for appeal.
 - An appeal granted based on new evidence should normally be remanded to the Provost, or Panel, respectively, for reconsideration.
 - An appeal granted based on other grounds may either be remanded to the Provost, the Panel, or the Investigator to re-open the investigation, clarify findings, or remedy errors.
 - If the appeal officer grants the appeal based on inappropriate sanction, the appeal officer may either alter the sanction or remand to the Provost with an explanation to issue an appropriate sanction. Such sanction determination shall be final.
 - Once an appeal is decided, the outcome is final: further appeals are not permitted (except in cases of tenured faculty termination – see Section VIII below).
10. The appeal officer will issue their decision within seven (7) days of receipt of all information and responses. In instances where the appeal officer needs additional time for good cause, the appeal officer shall notify the parties and the Director of Equity & Title IX Coordinator within the allotted time for issuing a decision.
11. In Cases of Suspension or Termination of a Tenured Faculty Member - the appeal officer shall consult with the President before issuing the final determination.
12. The appeal officer shall issue their decision in writing to the parties, the Director of Equity & Title IX Coordinator, and the Provost.
13. The appeal officer's decision is final.

[Procedures for Resolution of Complaints Against Staff](#)

The procedures described below will apply to any allegations that have been made against a staff member under the Equal Opportunity and Nondiscrimination Policy (EO Policy). The College seeks to complete informal and

formal resolutions of student and employee cases of reported dating violence, domestic violence, sexual assault, or stalking, in as prompt a timeframe as possible.

A. Intake Process

Once on notice of alleged Prohibited Conduct, the Director of Equity & Title IX Coordinator (or designee) will notify the Vice President of Human Resources of the same. The Vice President of Human Resources will determine whether the department supervisor is similarly notified. The Director of Equity & Title IX Coordinator will meet with the Complainant (and with the Complainant's advisor if the Complainant chooses to have one) to discuss the allegation. The Director of Equity & Title IX Coordinator will gather additional information from the Complainant and gather any other necessary information to make an initial determination regarding whether the Respondent and the conduct alleged are covered under the EO Policy. At any point during the intake process (or any other process defined below) the Complainant may request and/or the Director of Equity & Title IX Coordinator and Vice President of Human Resources shall also determine whether any supportive or interim measures are appropriate.

i. If the conduct alleged is not covered under the EO Policy, the Complainant may be referred to another office who would have jurisdiction; the Director of Equity & Title IX Coordinator may discuss the matter with the Vice President of Human Resources to determine if respectful communication, remedial actions, education, and/or effective conflict resolution mechanisms that do not lead to disciplinary action would be appropriate; or, the report will be documented for information only, and the matter closed.

ii. If no Complainant is identified, the conduct alleged is covered under the EO Policy, and a known Respondent has been identified, the Director of Equity & Title IX Coordinator will discuss the matter with the Vice President of Human Resources to determine whether the College will move forward as the Complainant.

iii. If no Complainant is identified, the conduct alleged is not covered under the EO Policy, and/or a known Respondent has not been identified, the Director of Equity & Title IX Coordinator will discuss the matter with the Vice President of Human Resources to determine whether community-based education, training, or other prevention or remedial actions would be appropriate; or, the report will be documented for information only, and the matter closed.

iv. If a Complainant is identified and chooses to move forward with a Complaint, the Complainant will be presented with formal and informal resolution options. Typically, the Complainant may choose to move forward with either of these options. However, in certain cases, an informal resolution option may not always be appropriate, e.g. cases involving potential criminal conduct in addition to a possible policy violation, a pattern of conduct, or predation. If the Complainant chooses to pursue informal resolution, the Director of Equity & Title IX Coordinator and the Vice President of Human Resources in discussion with the Complainant shall determine whether it is appropriate on a case-by-case basis. If the Complainant chooses to pursue a formal resolution, then formal proceedings shall commence. (See Section V.C. or D. below).

B. Adaptable (Informal) Resolution Options

Recognizing that every situation is different and every individual's needs are different, the College seeks to provide as many types of fair resolutions as possible to adapt to the needs of our community members. Therefore, in lieu of the formal investigation and resolution processes defined below, the parties may agree to resolve the Complaint by one of the following methods of resolution:

1. The parties agree to engage in a restorative justice process to resolve the matter,
2. The parties agree to resolve the matter through a negotiated resolution facilitated by the Director of Equity & Title IX and/or designee, or
3. The parties agree that the Respondent accepts responsibility for violating the EO Policy and the parties agree to engage in an interactive process with the Director of Equity & Title IX and the Vice President of Human Resources to determine an appropriate sanction and resolution.

To initiate one of the adaptable resolution processes, the Complainant must first file a formal complaint with the Office of Equity & Title IX. At the time of filing the formal complaint, the Complainant may simultaneously request

to participate in one of the adaptable resolutions, and the Respondent shall be notified of both the notice of Complaint and the Complainant's request to engage in an adaptable resolution. The Respondent may accept or reject the option to engage in an adaptable resolution. Alternatively, either party may request to engage in an adaptable resolution process any time after the formal resolution proceedings have been initiated. The request must be made in writing to the Director of Equity & Title IX. Once received, the Director of Equity & Title IX will notify the other party who can agree to or reject the offer to engage in an adaptable resolution. If a party rejects an adaptable resolution option, the formal resolution process defined below shall be followed.

Once the parties agree to engage in an adaptable resolution, the formal resolution proceedings shall be placed on hold. If the adaptable resolution process results in an outcome agreed upon by both parties, the formal resolution proceedings shall be closed. If the adaptable resolution process breaks down and does not reach a result agreeable to both parties, the formal resolution proceeding will initiate or resume.

Adaptable resolution is not available in situations where a student has alleged sexual harassment against an employee.

Adaptable resolution outcomes are not appealable.

i. Restorative Justice (RJ) Process

Restorative Justice is a philosophy of accountability focused on the reparation of harm, recognition of solving of any underlying problems that may have led to harm, and reconciliation of interpersonal conflict. RJ is an intentional practice that identifies who has been harmed, determines what actions are necessary to repair the harm, restores relationships, and seeks to prevent recurrence of harm. An RJ process may involve a restorative circle, a restorative conference, restorative statements, or another restorative process designed by the facilitator to best address harm and reconciliation.

If parties agree to engage in an RJ process, the first step will be for the parties to separately meet with the RJ facilitator to determine the most appropriate RJ process for the situation. The RJ facilitator will guide and communicate with the parties throughout the entire RJ process. The RJ process will be documented, as well as any resolution reached during the RJ process, and kept in a confidential file in the Vice President of Human Resources's Office and the Office of Equity & Title IX.

Failure by the parties to abide by the RJ resolution may result in appropriate responsive or disciplinary action. If no resolution is reached through the RJ process, the RJ facilitator will refer the matter back to the Director of Equity & Title IX to determine appropriate next steps.

To promote candor, honesty, and genuine participation, and recognizing that the RJ process requires a certain level of vulnerability from participants, information disclosed during the RJ process will remain confidential. The RJ facilitator will not share information disclosed during the RJ process, for example, to the Investigator and Decision-makers, should the RJ process break down and revert to the formal process.

ii. Negotiated Resolution

The Parties may agree to engage in a negotiated resolution facilitated by the Director of Equity & Title IX, or designee, where parties can negotiate an agreement to resolve the Complaint. The first step in this process will be for the facilitator to meet with each party separately and assess the needs of the party and their desired outcome. Some possible outcomes of a negotiated resolution can include one or some of the following:

- Counseling Sessions
- No Contact Order
- Bi-weekly or monthly check in meetings with the Director of Equity & Title IX, Vice President of Human Resources, Associate Vice President of Human Resources, or other appropriate College official
- Restriction from participation in particular events
- Individualized training
- Change in assignments or position

- Performance improvement plan

Negotiated resolution will generally not be an appropriate resolution mechanism used to address allegations of conduct that could justify suspension or termination from the College, which includes egregious intentional and targeted discriminatory or harassing conduct, or any conduct that may also be criminal (e.g. hate crime, sexual assault, intimate partner violence, or stalking).

The negotiated resolution shall be documented and kept in a confidential file in the Vice President of the Human Resources' Office and the Office of Equity & Title IX. Failure by the parties to abide by the negotiated resolution may result in appropriate responsive or disciplinary action.

Similar to the RJ process, to promote candor, honesty, and genuine participation, information disclosed during the negotiated resolution will remain confidential. The facilitator will not share information disclosed during the negotiated resolution process, for example, to the Investigator and Decision-makers, should the resolution process break down and revert to the formal process.

iii. Respondent Accepts Responsibility

At any time prior to the completion of a Formal Resolution option (see Sections C. and D. below), the Respondent may choose to accept responsibility for one, some or all of the allegations.

The Respondent shall notify the Director of Equity & Title IX of their choice to accept responsibility, pause the formal resolution, and resolve the matter through an interactive process with the Complainant, the Director of Equity & Title IX and the Vice President of Human Resources to determine an appropriate sanction and resolution. The Director of Equity & Title IX will notify the Complainant of the Respondent's acceptance of responsibility. The Complainant may choose to pause the formal resolution and resolve the matter through an interactive process with the Respondent, the Director of Equity & Title IX and the Vice President of Human Resources, or choose to continue with the formal resolution process.

If the Respondent accepts responsibility for one or some of the allegations, the parties may choose whether to resolve all allegations through the interactive process, resolve only the allegation(s) for which the Respondent accepted responsibility through the interactive process and proceed with the formal resolution process on the remaining allegations, or move forward with the formal resolution process noting in the investigation report for Decision-makers that the Respondent had accepted responsibility for one or some of the allegations.

The resolution reached through the interactive process shall be documented and kept in a confidential file in the Vice President of Human Resources' Office and the Office of Equity & Title IX. Failure by the parties to abide by the resolution may result in appropriate responsive or disciplinary action.

Should the interactive process break down and revert back to the formal process, the Respondent's acceptance of responsibility for some or all of the allegations shall be shared with the Investigator and Decision-makers, as the Respondent's acceptance of responsibility is relevant and pertinent to the Decision-makers per the formal resolution process.

C. Formal Investigation and Resolution for non-Title IX allegations

If an adaptable resolution is not chosen by the parties, the Complaint shall proceed under the formal resolution process detailed in Section V.C. or D. The formal resolution begins with an investigation. The Director of Equity & Title IX Coordinator shall appoint a trained impartial Investigator or Investigators ("Investigator") to conduct the investigation.

i. Formal Investigation

Investigators shall adhere to the following guidelines for investigations:

- Investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary. Interviews will be conducted separately and individually with parties and witnesses.
- Investigations are completed as expeditiously as possible. Investigations may take longer however, in exigent or extenuating circumstances.
- The College's investigation and resolution process will not typically be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that criminal charges have been dismissed or reduced.
- Parties are permitted to ask questions of the other party and witnesses ("cross-examination") through the Investigator during the investigation process. The Investigator has sole discretion to determine relevance of any questions asked.
- Parties and Witnesses are expected to cooperate with and participate in the College's investigation. Interviews may, in certain circumstances, be conducted virtually by video or phone, and written statements may be provided if a live interview is not possible. .
- If a Respondent elects to not participate in the investigation, the Respondent will not have the opportunity to offer new evidence during the appeal stage of the process. (See Appeals Section VII below.)

Dismissal of Complaint

At any point during the formal resolution process, if it is determined by the Investigator, the Director of Equity & Title IX, or the Decision-makers, that there is no reasonable cause to believe that the EO Policy has been violated, the Director of Equity & Title IX Coordinator and Vice President of Human Resources shall have authority to terminate the investigation and end formal resolution proceedings. Notification of such dismissal will be provided in writing simultaneously to the Complainant and Respondent. This decision may be appealed by either party pursuant to Section VII below.

If at any point during the formal resolution proceedings, the Complainant notifies the Director of Equity & Title IX that they wish to withdraw their Complaint and stop the formal resolution process, the Director of Equity & Title IX Coordinator and Vice President of Human Resources may choose to terminate the investigation and end formal resolution proceedings on a case-by-case basis. This decision is not appealable.

Dismissal will not preclude continuation of appropriate supportive or interim measures, or referral to another department to review if appropriate.

Investigation Timeframe

Typically, an investigation will be completed within sixty (60) calendar days from the filing of a formal complaint with the Office of Equity and Title IX, or the date upon which the Office of Equity and Title IX decides to pursue an investigation, whichever is first. In some circumstances, it may be necessary to extend that timeframe for good cause . If good cause exists to extend the investigation timeframe beyond 60 days, as determined by the Investigator in consultation with the Director of Equity & Title IX Coordinator, both parties will be promptly notified.

Advisor Participation in a Formal Investigation

For longer or more involved discussions, the parties and their advisor should ask for breaks or step out of meetings to allow for private conversation. A party with their advisor may request to meet or speak with the Investigator in advance of any interview for a pre-meeting. This pre-meeting will allow an advisor to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.

There may be instances in which a party will wish to disclose documentation related to the allegations with their advisor. In such cases, the College provides a consent form that authorizes such disclosure. The party must complete this form before the College is able to distribute records with an advisor in addition to the party. An advisor is expected to maintain the confidentiality of the records disclosed to them. These records may not be disclosed to third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the College's confidentiality expectations.

ii. Formal Investigation Conclusion

1. Draft investigation report: At the conclusion of the investigation, the Investigator will draft a preliminary investigation report ("draft report"). The draft report is a written report of the totality of the relevant evidence gathered during the investigation. The draft report is distributed electronically with both parties, individually. The parties have an opportunity to review the report and submit feedback, corrections, or questions, including but not limited to cross-examination questions, if the parties chose to do so.
2. The parties will have within seven (7) calendar days after issuance of the draft report to schedule a meeting with the Investigator to provide feedback, corrections, or questions to the Investigator. The meeting shall be scheduled as soon as possible and no later than ten (10) calendar days after issuance of the draft report. The Investigator may extend such time as reasonably necessary.
3. At times, feedback may necessitate further investigation or inquiry. If further relevant information is gathered by the Investigator, the Investigator will issue a supplement to the draft report to the parties for review and response and will determine a reasonable amount of time for feedback to the supplemental information, which will generally not exceed five (5) calendar days.
4. While the parties may disagree with the Investigator as to the form or contents of the draft report, or the relevance of evidence included or omitted, the Investigator, in consult with the Director for Equity and Title IX has sole discretion of the form and content of the final report, though the Investigator should note a party's disagreement in the final report. Parties may appeal on this basis if they wish. (See Appeals Section VII below.)
5. Final report: The Investigator then prepares the final investigation report that incorporates the draft report, feedback to the draft report, and an analysis and recommendation as to whether the evidence meets a preponderance of the evidence standard that the alleged Prohibited Conduct occurred. The final report is reviewed by the Director of Equity & Title IX Coordinator and legal counsel, when necessary, prior to issuance to the parties and the Vice President of Human Resources. The Investigator shall issue the final report within two (2) weeks upon receipt of the last feedback to the draft report unless good cause (see fn. 6 above) exists for extension. If the Investigator is unable to issue the final report within the two-week time frame, the Investigator will provide written notification and explanation to the parties.
6. Within five (5) calendar days of receipt of the final report, the parties must elect in writing to the Director of Equity & Title IX Coordinator whether they intend to move forward with Vice President of Human Resources adjudication or formal panel adjudication. If one party elects or both parties elect to go to a formal panel, the formal panel will be convened by the Director of Equity & Title IX Coordinator to adjudicate the matter.

iii. Vice President of Human Resources Adjudication and Resolution after Conclusion of Investigation

The Vice President of Human Resources shall review the final report and if the Vice President of Human Resources determines that further information is needed from the Investigator, the Vice President of Human Resources may remand the report to the Investigator for further questioning or investigation. Within seven (7) calendar days after receipt of the final report (or the updated report if it is remanded to the Investigator), the Vice President of Human Resources shall determine, based on the final report, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and if the conduct occurred as alleged, whether the conduct is a violation of the EO Policy. If the Vice President of Human Resources determines that further information is needed, the Vice President of Human Resources may remand the report to the Investigator for further questioning or investigation.

The Vice President of Human Resources shall also determine the appropriate sanction (see Section VI below) if the Vice President of Human Resources determines that the Respondent violated the EO Policy. Prior to determining the appropriate sanction, the Complainant will be given an opportunity to make an impact statement, i.e. how they have been impacted and what they believe would be an appropriate sanction and resolution, and

the Respondent will be given an opportunity to make a mitigating factors statement and what they believe would be an appropriate sanction and resolution. Typically, the Vice President of Human Resources shall schedule a meeting with the parties, individually, as soon as possible after determining that the Respondent violated the EO Policy for parties to make such statements. However, at the Vice President of Human Resources' discretion, these statements may also be submitted in writing within a reasonable timeframe set by the Vice President of Human Resources.

Upon receipt of the parties' statements, if submitted, the Vice President of Human Resources shall make their decision in writing within five (5) days of receipt of the statements or deadline for submission and issue their written decision and sanction determination simultaneously to the parties. The Vice President of Human Resources may extend this deadline as reasonably necessary, if so, and shall provide written notification to the parties.

In Cases of Suspension or Termination of a Staff Member

When the Vice President of Human Resources determines that the appropriate sanction for a staff member is suspension or termination, the Vice President of Human Resources shall consult with the President before issuing the final sanction determination.

iv. Formal Panel ("Panel") Adjudication and Resolution after Conclusion of Investigation

The Panel shall consist of three (3) panel members and a Panel Chair will be chosen by the Panel in consultation with the Director of Equity & Title IX Coordinator. When convening a Panel, the Director of Equity & Title IX Coordinator shall choose panel members considering, but not limited to, potential conflict of interest, potential bias or perception of bias, availability, and understanding of particular issue(s) presented in a particular case.

A majority decision (two out of three) is necessary in order to make a determination.

The Panel shall review the final report and if the Panel determines that further information is needed from the Investigator, the Panel may remand the report to the Investigator for further questioning or investigation. Within seven (7) calendar days after receipt of the final report (or the updated report if it is remanded to the Investigator), the Panel shall determine, based on the final report, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and if the conduct occurred as alleged, whether the conduct is a violation of the EO Policy. If the Panel determines that further information is needed, they may remand the investigation to the Investigator for further questioning or investigation.

The Panel shall also determine a recommended appropriate sanction (see Section VI below) if the Panel finds that the Respondent violated the EO Policy. Prior to determining the appropriate sanction, the Complainant will be given an opportunity to make an impact statement, i.e. how they have been impacted and what they believe would be an appropriate sanction and resolution, and the Respondent will be given an opportunity to make a mitigating factors statement and what they believe would be an appropriate sanction and resolution. Typically, the Panel shall schedule a meeting with the parties, individually, as soon as possible after determining that the Respondent violated the EO Policy for parties to make such statements. However, at the Panel's discretion, these statements may also be submitted in writing within a reasonable timeframe set by the Panel.

Upon receipt of the parties' statements, if submitted, the Panel shall make their decision in writing within five (5) calendar days of receipt of all statements or deadline for submission and issue their written decision and recommended sanction determination to the parties and the Vice President of Human Resources. The Panel may extend this deadline as reasonably necessary and shall provide written notification to the parties and the Vice President of Human Resources.

The Vice President of Human Resources makes the final sanction determination. The Vice President of Human Resources shall review the Panel's finding and recommended sanction determination, if recommended. The Vice President of Human Resources shall make the final sanction determination in writing within five (5) calendar days of receipt of Panel's recommendation or deadline for submission and issue the written decision and sanction determination simultaneously to the parties. The Vice President of Human Resources shall provide to the parties, in writing, of the Panel's finding and recommended sanction determination, the Vice President of Human

Resources' final sanction determination, and include an explanation if the Vice President of Human Resources determines that a different sanction is more appropriate. The Vice President of Human Resources may extend this deadline as reasonably necessary and, if so, shall provide written notification to the parties.

Title IX Formal Investigation and Resolution with Live Hearing

The U.S. Department of Education has prescribed a specific formal resolution process that schools subject to Title IX must follow for certain sexual harassment allegations that fall within the U.S. Department of Education's definition of Title IX Sexual Harassment (see EO Policy). The Title IX Coordinator determines whether allegations fall within the U.S. Department of Education's definition of Title IX Sexual Harassment such that the formal resolution process detailed in this section must be followed. Allegations that do not fall within the U.S. Department of Education's definition of Title IX Sexual Harassment shall not follow the formal process detailed in this section and will follow the formal process detailed in Section V.C. above. If there are allegations of Title IX Sexual Harassment and non-Title IX discrimination (such as race discrimination) that within the same Complaint, the procedure in this section shall be followed.

The process detailed here does not foreclose the parties' option to choose an adaptable resolution (see Section V.B. above) in lieu of this formal process.

1. Investigation

The investigation procedures in this section shall follow the same approach and format as detailed in Section V.C. above with the following key differences:

- Draft investigation report: Instead of a report that contains only relevant evidence as determined by the Investigator, the draft report shall include all evidence obtained as part of the investigation and directly related to the allegations whether relevant or not.
- The parties will be given ten (10) calendar days, subject to extension for good cause, to review and draft a written response to the draft report.
- The final report will be submitted to the parties and the hearing decision-makers at least ten (10) prior to the live hearing.

2. Live Hearing and Cross-Examination

The U.S. Department of Education mandates that the school must conduct a live hearing for Title IX sexual harassment allegations, and parties and witnesses must be subject to cross-examination by a party's advisor.

The live hearing shall be held by a hearing panel of three (3) trained Decision-makers of which one shall serve as the "Hearing Chair". While the hearing panel may ask questions of parties and witnesses, cross examination questions may only be conducted by a party's advisor. If a party does not have an advisor, the Title IX Coordinator shall appoint an advisor trained to conduct cross examination for the party who does not have an advisor.

a) Pre-hearing

Parties shall receive the final report, all relevant evidence to be submitted to the hearing panel, the names of persons who will participate at the live hearing, including the hearing panel, and hearing procedures, at least ten (10) calendar days prior to the hearing.

Any objection to any hearing panelist must be made in writing to the Title IX Coordinator, detailing the rationale for the objection, and submitted as soon as possible and no later than five (5) days prior to the hearing. Decision-makers will only be removed and replaced if the Title IX Coordinator concludes that a Decision-maker's perceived or actual bias or conflict of interest precludes an impartial hearing.

The live hearing is not a re-investigation of the matter. The purpose of the live hearing is for the Decision-makers and parties to directly question, through their advisor, the other party or witnesses on any unanswered relevant aspect of the allegation(s) or investigation.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), unless the witness was, for good cause, unable to participate during the investigation phase, likely has relevant information, and all parties and the hearing chair agree to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing.

During the ten (10) calendar day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. Comments a party would like to submit to the hearing panel prior to the hearing may be sent in writing to the Title IX Coordinator no later than five (5) days prior to the live hearing and the Title IX Coordinator will forward to the hearing panel and other party. Comments on the evidence a party would like to share with the hearing panel less than five days prior to the live hearing may be shared with the hearing panel during the live hearing.

b) Pre-hearing Meeting

Two to five days prior to the live hearing, the Hearing Chair may convene separate pre-hearing meeting(s) with the parties and their advisors to discuss the following:

- Appropriate decorum and questioning during the live hearing.
- Advisors may submit in advance to the Hearing Chair questions they (the parties and/or their Advisors) wish to ask of the other party or witnesses during the hearing. If so, at the pre-hearing meeting, the Hearing Chair may discuss with the party and their advisor what questions may be allowed or not allowed. This advance review opportunity does not preclude advisors from asking questions at the live hearing that may not have been previously allowed based on any new information or testimony offered at the hearing.
- The Hearing Chair may decide, based on the pre-hearing meeting with the party and their advisor, that the advisor does not have sufficient knowledge, skill, or preparation to adequately conduct cross-examination. In such a case, the Hearing Chair will notify the Title IX Coordinator and the party may either choose a different advisor or their choice or an appropriately trained advisor shall be appointed.

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

The pre-hearing meeting(s) will not be recorded.

c) Live Hearing

Participants at the live hearing will include the three hearing panelists, the hearing facilitator (the Title IX Coordinator or designee), the Investigator(s) who conducted the investigation, the parties, advisors to the parties, witnesses, and anyone providing authorized accommodations or assistive services.

The Hearing Chair shall begin the live hearing with an explanation of the hearing procedure and introduce the participants. While the Hearing Chair may decide the most appropriate order of participants to call, the Hearing Chair will typically call participants to testify in the following order:

- Investigator (one investigator shall represent if more than one investigator was used)
- Complainant
- Respondent
- Witnesses

The typical order of questioning shall be made first by the hearing panel, the Complainant's advisor, then the Respondent's advisor, though the Hearing Chair may decide on a different order of questioning. If needed or requested, the Hearing Chair may allow a second round of questioning to be conducted.

The Hearing Chair shall make a relevance determination on each question asked by the advisors after the question has been asked and prior to the participant answering. If a question is disallowed, the Hearing Chair will provide a brief explanation on the basis that the question is irrelevant, redundant, or abusive.

The Hearing Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the hearing panel and the parties' advisors and the witness will then be excused.

If a party or witness chooses not to submit to cross-examination at the hearing, the hearing panel may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The hearing panelists may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. Evidence provided that is something other than a statement by the party or witness during the investigation or at the hearing may be considered.

If conduct of a policy violation other than Title IX sexual harassment are considered at the same hearing, the hearing panelists may consider all evidence it deems relevant whether or not the party or witnesses were subject to cross-examination.

If a party's advisor refuses to comply with hearing decorum, the Hearing Chair may pause proceedings and require the party to use a different advisor of choice or one provided by the College.

The hearing will be audio or video recorded by the College, whichever is most feasible. No other person is authorized to record.

d) Hearing Conclusion and Notice of Outcome

Each party shall be allowed, but is not required, to make a closing statement to the hearing panel at the conclusion of all testimony and questioning. All participants will then be dismissed from the live hearing.

Following close of the live hearing, the hearing panel shall deliberate all relevant evidence including the investigation report, related documentary and/or tangible evidence, and testimony from the live hearing. Within five (5) calendar days following close of the live hearing, barring an extension for good cause, the hearing panel shall make a determination, whether the Respondent's conduct occurred as alleged by a preponderance of the evidence, and whether such conduct is a violation of the EO Policy and other College policy, as applicable. If the hearing panel determines by a preponderance of the evidence that the Respondent's conduct as alleged did not occur by a preponderance of the evidence or did not constitute a violation of the EO Policy, the hearing panel shall detail issue their decision in writing to the parties within five (5) calendar days following close of the live hearing.

If the hearing panel determines that the Respondent violated the EO Policy, the Panel shall also determine recommended sanctions. Prior to the determination of recommended sanctions, the Complainant will be given an opportunity to submit a written impact statement, i.e. how the Complainant has been impacted and what the Complainant believes would be appropriate sanctions and resolution, and the Respondent will be given an opportunity to submit a written mitigating factors statement and what the Respondent believes would be appropriate sanctions and resolution. These statements shall be submitted to the hearing panel within the reasonable timeline set by the hearing chair.

Within five (5) calendar days after receipt of the statements or deadline for submission, the hearing panel shall issue a written decision with rationale and recommended sanction(s) determination to the Vice President of Human Resources.

The Vice President of Human Resources shall review the hearing panel's finding and recommended sanction(s) determination, if recommended. The Vice President of Human Resources makes the final sanction determination in writing within five (5) calendar days of receipt of the hearing panel's recommendation or deadline for submission and shall issue the written decision and final sanction determination simultaneously to the parties. The Vice President of Human Resources shall provide to the parties, in writing, the hearing panel's finding and recommended sanction determination, the Vice President of Human Resources's final sanction determination, and include an explanation if the Vice President of Human Resources determines that a different sanction is more appropriate. The Vice President of Human Resources may extend this deadline as reasonably necessary and, if so, shall provide written notification to the parties.

Resignation While Investigation Pending

Should a staff member resign after a Complaint has been filed and/or while a formal investigation is proceeding under the EO Policy, the College will continue to move forward with appropriate process as defined in these Procedures. The personnel records of the Respondent will reflect the status and/or the outcome of the investigation, as will the Vice President of Human Resources' responses to any future inquiries regarding employment references for that individual. If the outcome of the investigation is that no policy violation occurred, the Respondent's personnel record shall reflect the Respondent's resignation and no information about the EO investigation or final determination will be made in response to future inquiries.

Staff Sanctions

Typical sanctions for a staff employee who has engaged in harassment, discrimination and/or retaliation may include:

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

Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation including:
 - Whether conduct was directed at a particular individual or group
 - Whether conduct involved a physical act
 - Whether conduct involved intentional conduct
 - Whether the Respondent was in a supervisory or leadership position;
- An individual's disciplinary history;
- Previous reports or allegations involving similar conduct that show a pattern or persistence of behavior;
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation;
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the reporting party and the community;
- Aggravating or mitigating factors including those articulated by the parties; or
- Any other information deemed relevant.

Staff Appeals

The parties have a right to appeal the conduct and sanction determinations. Appeal rights are provided to the parties in writing in the notice of outcome. Sanctions issued are implemented immediately unless the Director of Equity and Title IX and the Vice President of Human Resources stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

An appeal must be submitted in writing pursuant to the following procedure:

1. Appeals must be submitted in writing to the Director of Equity and Title IX within seven (7) calendar days of the delivery of the written determination from the Adjudication and Resolution.
2. Either party may file an appeal, but all appeals are limited to the following grounds:
 - a. **Error of Judgment:** There was a clear error of judgement where the decision was made with no reasonable basis or adequate consideration of all of the relevant circumstances.
 - b. **Bias affecting Judgement:** The Director of Equity & Title IX, the investigator(s), decision-maker(s), or Vice President of Human Resources exhibited bias for or against the one or both parties, or had a conflict of interest, such that it affected the outcome of the matter.
 - c. **Procedural Error:** A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)
 - d. **New Evidence:** New evidence is information that was unknown or unavailable during the original hearing or investigation that could substantially impact the original finding or sanction. A summary of this new evidence, how it was previously unknown or unavailable, and its potential impact must be included.
 - e. **Sanction Inappropriate:** The sanction is clearly inappropriate or is not commensurate with the conduct violation.
3. The Director of Equity and Title IX, shall appoint a trained, impartial appeal officer to review and decide the appeal. The appeal officer will be a third party hired by the College.
4. The original finding and sanction determination will stand if the appeal is not timely. A party may request additional time to file an appeal for good cause, but must request the time extension within the allotted time to file an appeal. If granted by the appeal officer, both parties shall be granted the time extension.
5. When a party files an appeal, the other party and, if appropriate, the Investigator, the Vice President of Human Resources, and/or the Panel Chair if there was a Panel decision, will be notified and given an opportunity to respond to any and all ground(s) on which the appeal was based. Any response to an appeal must be submitted to the appeal officer within seven (7) calendar days of notice. Any responsive person may request additional time to file a response for good cause, but must request the time extension within the allotted time to file a response. If granted by the appeal officer, all responsive persons shall be granted the same time extension.
6. The party filing the appeal has the burden of proof. Such party must show that the grounds for an appeal have been met, and the other party may respond that the grounds have not been met or that additional grounds are met.
7. The appeal officer may choose to meet with a party if the appeal officer deems it necessary for review of their appeal. If the opportunity to meet is provided to one party, the same opportunity will be provided to the other party.
8. The appeal officer may consult with the Director of Equity and Title IX and/or other College administrators or legal counsel as needed.
9. The appeal officer shall consider the following principles, but is not limited to such principles, when deciding an appeal:
 - The decision by the appeal officer is to be deferential to the original decision. The original finding and sanction are presumed to have been decided reasonably and appropriately.
 - Appeals are not intended to be a full re-investigation of the original allegation. In most cases, appeals are confined to a review of the final report, written adjudication and resolution document, and other pertinent documentation regarding the grounds for appeal.
 - An appeal granted based on new evidence should normally be remanded to the Vice President of Human Resources, or Panel, respectively, for reconsideration.

- An appeal granted based on other grounds may either be remanded to the Vice President of Human Resources, the Panel, or the Investigator to re-open the investigation, clarify findings, or remedy errors.
 - If the appeal officer grants the appeal based on inappropriate sanction, the appeal officer may either alter the sanction or remand to the Vice President of Human Resources with an explanation to issue an appropriate sanction. Such sanction determination shall be final.
 - Once an appeal is decided, the outcome is final: further appeals are not permitted.
10. The appeal officer will issue their decision within seven (7) days of receipt of all information and responses. In instances where the appeal officer needs additional time for good cause, the appeal officer shall notify the parties and the Director of Equity and Title IX within the allotted time for issuing a decision.
 11. **In Cases of Suspension or Termination of a Staff Member** - the appeal officer shall consult with the President before issuing the final determination.
 12. The appeal officer shall issue their decision in writing to the parties, the Director of Equity and Title IX, and the Vice President of Human Resources.
 13. The appeal officer's decision is final.

Education and Prevention for Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Muhlenberg College is committed to the prevention of domestic violence, dating violence, sexual assault, and stalking through education and awareness programs. The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Muhlenberg College, through Equity & Title IX and Prevention Education offices, offers education on healthy sexuality, sexual and intimate partner violence prevention and response, and promotes a culture of nurturance across the campus for people of all genders and sexual orientations, whether partnered or single. The Department of Prevention Education partners with on- and off-campus organizations and resources to foster a sense of safety, integration, and wholeness with respect to sexuality.

The Department of Prevention Education supports healthy exploration of sexuality while working to end sexual, gendered, and intimate partner violence. We utilize a Socio-Ecological health promotion model that is both preventative and restorative in nature, supporting students' physical health, personal safety, and overall sense of emotional well-being, while facilitating an intentional and responsive community who cares for one another.

1. Education and Programs for Students

a. Primary Prevention and Awareness

To promote awareness and prevention of domestic/intimate partner violence, dating violence, sexual assault, and stalking, first-year and incoming transfer students are required to complete a two-part online training on sexual assault awareness, prevention, consent, incapacitation, bystander intervention, and the impacts of alcohol and drugs on the mind, body, and decision-making. This training also includes the College's policy and expectations, and information on reporting and confidential support as part of orientation for first-year and incoming transfer students. Additionally, this training includes links to Pennsylvania laws regarding dating violence, domestic violence, sexual assault, stalking, and consent.

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

Delegate efforts to another party, how to Delay efforts until a safer time, and how to Document any events requiring intervention from the Title IX office and/or Campus Safety.

Annually, the Athletics Department in collaboration with Title IX and the Department of Prevention Education also provides training to its student athletes on issues related to dating violence, sexual assault, prevention, and safe and positive bystander intervention through its StepUp! Mules program.

b. Ongoing Prevention and Awareness

Programs and other campaigns offered throughout the year to all members of the campus community include on campus visual and online social media messaging on domestic violence, dating violence, sexual assault, and stalking awareness, prevention, risk reduction, self-defense, reporting and resolution options, on and off campus resources and confidential support. Risk reduction strategies include ongoing visual awareness campaigns on campus properties and through social media, workshops, classroom push-ins and other educational offerings on subjects such as: Enthusiastic and ongoing consent in sexual interactions, healthy relationships, gender equity, and intersectional approaches to violence prevention. These programs are also offered through residence hall programming, mandatory and voluntary fraternity and sorority programming, and supplemental programs sponsored by various other groups on campus. Additionally, Prevention Education, Equity & Title IX, Housing & Residence Life, Campus Safety work in partnership to strategize and plan throughout the academic year. Programming is informed by evidence-based research and/or is assessed for its effectiveness in achieving learning outcomes.

Working under the Department of Prevention Education, the peer education group Voices of Strength (VOS) offers ongoing support on a one-on-one basis to students, giving resources and education on an “at-need” basis. VOS also engages in in-person and tabling, social media campaigns, and holds regular workshops throughout the year on various aspects of healthy sexuality, healthy relationships, and other violence prevention strategies.

2. Education and Programs for Faculty/Staff

Every new faculty and staff member are required to complete an online sexual harassment awareness and prevention training as part of their hiring process. This online training includes safe and positive options for bystander intervention as pertinent to their role as faculty and staff. This training also includes links to Pennsylvania laws regarding dating violence, domestic violence, sexual assault, stalking, and consent. Finally, as part of this initial training and on an ongoing basis, risk reduction strategies are offered to faculty and staff, which include ongoing visual awareness campaigns on campus properties and through social media, workshops, classroom push-ins and other educational offerings on subjects such as: Enthusiastic and ongoing consent in sexual interactions, healthy relationships, gender equity, and intersectional approaches to violence prevention. In addition, the Director of Campus Safety and Title IX Coordinator meet with all new hires bi-annually in person to provide information on their role as CSAs and on the College’s policy, process, and reporting obligations pertaining to domestic violence, dating violence, sexual assault, and stalking.

During the year, Human Resources offers training to all employees on sexual harassment awareness and prevention, and offers through its [Employee Assistance Program](#), support and advocacy for various personal or professional issues that may arise.

Sex Offender Registry and Access to Related Information

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires registered sex offenders to provide notice to the state as to whether the person is a student, or works at an institution of higher education, identify each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student, and must also alert the state of any change in enrollment or employment status. Here in Pennsylvania, the Pennsylvania State Police make this type of information available through their website at [Megan's Law Public Website](#). Please note that not all sex offenders are required to be included in this listing

Local Definitions concerning Domestic Violence, Dating Violence, Stalking and Consent

Pennsylvania Statutes Title 18 Pa.C.S.A. Crimes and Offenses § 311. Consent

(a) General rule.--The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

(b) Consent to bodily injury.--When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:

(1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or

(2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).

(c) Ineffective consent.--Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

(1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;

(2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;

(3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or

(4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

(Apr. 16, 1992, P.L.108, No.24, eff. 60 days)

1992 Amendment. Act 24 amended subsec. (c).

Cross References. Section 311 is referred to in sections 2607, 2718 of this title.

§ 2711 Probable cause arrests in domestic violence cases.

(a) General rule.--A police officer shall have the same right of arrest without a warrant as in a felony whenever he has probable cause to believe the defendant has violated section 2504 (relating to involuntary manslaughter), 2701 (relating to simple assault), 2702(a)(3), (4) and (5) (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2706 (relating to terroristic threats) or 2709.1 (relating to stalking) against a family or household member although the offense did not take place in the presence of the police officer. A police officer may not arrest a person pursuant to this section without first observing recent physical injury to the victim or other corroborative evidence. For the purposes of this subsection, the term "family or household member" has the meaning given that term in 23 Pa.C.S. § 6102 (relating to definitions).

(b) Seizure of weapons.--The arresting police officer shall seize all weapons used by the defendant in the commission of the alleged offense.

(c) Bail.—

(1) A defendant arrested pursuant to this section shall be afforded a preliminary arraignment by the proper issuing authority without unnecessary delay. In no case shall the arresting officer release the defendant from custody rather than taking the defendant before the issuing authority.

(2) In determining whether to admit the defendant to bail, the issuing authority shall consider whether the defendant poses a threat of danger to the victim. If the issuing authority makes such a determination, it shall require as a condition of bail that the defendant shall refrain from entering the residence or household of the victim and the victim's place of employment and shall refrain from committing any further criminal conduct against the victim and shall so notify the defendant thereof at the time the defendant is admitted to bail. Such condition shall expire at the time of the preliminary hearing or upon the entry or the denial of the protection from abuse order by the court, whichever occurs first. A violation of this condition may be punishable by the revocation of any form of

pretrial release or the forfeiture of bail and the issuance of a bench warrant for the defendant's arrest or remanding him to custody or a modification of the terms of the bail. The defendant shall be provided a hearing on this matter.

(d) Notice of rights.--Upon responding to a domestic violence case, the police officer shall, orally or in writing, notify the victim of the availability of a shelter, including its telephone number, or other services in the community. Said notice shall include the following statement: "If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an order for protection from domestic abuse pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) which could include the following:

- (1) An order restraining the abuser from further acts of abuse.
- (2) An order directing the abuser to leave your household.
- (3) An order preventing the abuser from entering your residence, school, business or place of employment.
- (4) An order awarding you or the other parent temporary custody of, or temporary visitation with your child or children.
- (5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

(Feb. 15, 1986, P.L.27, No.10, eff. 60 days; Dec. 19, 1990, P.L.1240, No.206, eff. 90 days; Dec. 20, 2000, P.L.728, No.101, eff. 60 days; Dec. 9, 2002, P.L.1759, No.218, eff. 60 days)

2002 Amendment. Act 218 amended subsec. (a).

1990 Amendment. Act 206 amended subsec. (d).

§ 3121. Rape.

(a) Offense defined.--A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
- (4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
- (5) Who suffers from a mental disability which renders the complainant incapable of consent.
- (6) (Deleted by amendment).

(b) Additional penalties.--In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed ten years' confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

(c) Rape of a child.--A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

(d) Rape of a child with serious bodily injury.--A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

(e) Sentences. Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

(2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

(Dec. 21, 1984, P.L.1210, No.230, eff. 60 days; Mar. 31, 1995, 1st Sp.Sess., P.L.985, No.10, eff. 60 days; Dec. 19, 1997, P.L.621, No.65, eff. 60 days; Dec. 9, 2002, P.L.1350, No.162, eff. 60 days; Dec. 16, 2002, P.L.1953, No.226, eff. 60 days)

2002 Amendments. Act 226 overlooked the amendment by Act 162, but the amendments do not conflict in substance (except for the designation of the offenses in subsecs. (c) and (d) as felonies of the first degree, as to which Act 162 has been given effect) and both have been given effect in setting forth the text of section 3121.

Effective Date. After February 6, 2003, and before February 14, 2003, section 3121 will reflect only the amendment by Act 162, as follows:

§ 3121. Rape.

(a) Offense defined.--A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

(1) By forcible compulsion.

(2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.

(3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.

(4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.

(5) Who suffers from a mental disability which renders the complainant incapable of consent.

(b) Additional penalties.--In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed ten years' confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

(c) Rape of a child.--A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

(d) Rape of a child with serious bodily injury.--A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant who is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

(e) Sentences.--Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

(2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

Cross References. Section 3121 is referred to in sections 2709.1, 2714, 3122.1, 3124.1, 3124.2, 3124.3, 3125, 3141, 5702, 5708, 6105, 9122, 9123 of this title; section 3304 of Title 5 (Athletics and Sports); sections 4321, 5329, 6303, 6304, 6344, 6702, 6711 of Title 23 (Domestic Relations); sections 5552, 6302, 6358, 6402, 6403, 9717, 9718, 9720.2, 9799.12, 9799.14, 9799.17, 9799.24 of Title 42 (Judiciary and Judicial Procedure); section 7122 of Title 61 (Prisons and Parole).

§ 3122.1. Statutory sexual assault.

(a) Felony of the second degree.--Except as provided in section 3121 (relating to rape), a person commits a felony of the second degree when that person engages in sexual intercourse with a complainant to whom the person is not married who is under the age of 16 years and that person is either:

- (1) four years older but less than eight years older than the complainant; or
- (2) eight years older but less than 11 years older than the complainant.

(b) Felony of the first degree.--A person commits a felony of the first degree when that person engages in sexual intercourse with a complainant under the age of 16 years and that person is 11 or more years older than the complainant and the complainant and the person are not married to each other.

(Mar. 31, 1995, 1st Sp.Sess., P.L.985, No.10, eff. 60 days; Dec. 20, 2011, P.L.446, No.111, eff. 60 days)

Cross References. Section 3122.1 is referred to in sections 3124.2, 3124.3, 3125, 3141, 9122 of this title; sections 4321, 5329, 6303, 6344 of Title 23 (Domestic Relations); sections 5552, 6302, 9799.13, 9799.14, 9802 of Title 42 (Judiciary and Judicial Procedure).

§ 3123. Involuntary deviate sexual intercourse.

(a) Offense defined.--A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (5) who suffers from a mental disability which renders him or her incapable of consent; or
- (6) (Deleted by amendment).
- (7) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

(b) Involuntary deviate sexual intercourse with a child.--A person commits involuntary deviate sexual intercourse with a child, a felony of the first degree, when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

(c) Involuntary deviate sexual intercourse with a child with serious bodily injury.--A person commits an offense under this section with a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

(d) Sentences.--Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

- (1) Subsection (b) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
- (2) Subsection (c) shall be sentenced up to a maximum term of life imprisonment.

(e) Definition.--As used in this section, the term "forcible compulsion" includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

(Mar. 31, 1995, 1st Sp.Sess., P.L.985, No.10, eff. 60 days; Dec. 9, 2002, P.L.1350, No.162, eff. 60 days; Dec. 16, 2002, P.L.1953, No.226, eff. 60 days)

2002 Amendments. Act 226 overlooked the amendment by Act 162, but the amendments do not conflict in substance (except for the designation of the offenses in subsecs. (b) and (c) as felonies of the first degree,

as to which Act 162 has been given effect) and both have been given effect in setting forth the text of section 3123.

Effective Date. After February 6, 2003, and before February 14, 2003, section 3123 will reflect only the amendment by Act 162, as follows:

§ 3123. Involuntary deviate sexual intercourse.

(a) Offense defined.--A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant:

- (1) by forcible compulsion;
- (2) by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (3) who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
- (4) where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (5) who suffers from a mental disability which renders him or her incapable of consent; or
- (6) who is less than 16 years of age and the person is four or more years older than the complainant and the complainant and person are not married to each other.

(b) Definition.--As used in this section, the term "forcible compulsion" includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after the sexual intercourse.

(c) Involuntary deviate sexual intercourse with a child.--A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age.

(d) Involuntary deviate sexual intercourse with a child with serious bodily injury.--A person commits a felony of the first degree when the person engages in deviate sexual intercourse with a complainant who is less than 13 years of age and the complainant suffers serious bodily injury in the course of the offense.

Sentences.-- Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

- (1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.
- (2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

Cross References. Section 3123 is referred to in sections 2709.1, 2714, 3124.1, 3124.2, 3124.3, 3125, 3141, 5702, 5708, 6105, 9122, 9123 of this title; sections 5329, 6303, 6304, 6344, 6711 of Title 23 (Domestic Relations); sections 5552, 6302, 6358, 6402, 6403, 9717, 9718, 9720.2, 9799.12, 9799.14, 9799.17, 9799.24 of Title 42 (Judiciary and Judicial Procedure); section 7122 of Title 61 (Prisons and Parole).

§ 3124.1. Sexual assault.

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

(Mar. 31, 1995, 1st Sp.Sess., P.L.985, No.10, eff. 60 days)

1995 Amendment. Act 10, 1st Sp.Sess., added section 3124.1. Section 18 of Act 10, 1st Sp.Sess., provided that section 3124.1 shall apply to offenses committed on or after the effective date of Act 10.

Cross References. Section 3124.1 is referred to in sections 3124.2, 3124.3, 3125, 3141, 5702, 5708, 9122 of this title; sections 4321, 5329, 6303, 6304, 6344 of Title 23 (Domestic Relations); sections 5552, 6302, 6358, 6402, 6403, 9799.14, 9799.24 of Title 42 (Judiciary and Judicial Procedure).

§ 3126. Indecent assault.

(a) Offense defined.--A person is guilty of indecent assault if the person has indecent contact with the complainant, causes the complainant to have indecent contact with the person or intentionally causes the complainant to come into contact with seminal fluid, urine or feces for the purpose of arousing sexual desire in the person or the complainant and:

- (1) the person does so without the complainant's consent;
- (2) the person does so by forcible compulsion;
- (3) the person does so by threat of forcible compulsion that would prevent resistance by a person of reasonable resolution;
- (4) the complainant is unconscious or the person knows that the complainant is unaware that the indecent contact is occurring;
- (5) the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance;
- (6) the complainant suffers from a mental disability which renders the complainant incapable of consent;
- (7) the complainant is less than 13 years of age; or
- (8) the complainant is less than 16 years of age and the person is four or more years older than the complainant and the complainant and the person are not married to each other.

(b) Grading.--Indecent assault shall be graded as follows:

- (1) An offense under subsection (a)(1) or (8) is a misdemeanor of the second degree.
- (2) An offense under subsection (a)(2), (3), (4), (5) or (6) is a misdemeanor of the first degree.
- (3) An offense under subsection (a)(7) is a misdemeanor of the first degree unless any of the following apply, in which case it is a felony of the third degree:
 - (i) It is a second or subsequent offense.
 - (ii) There has been a course of conduct of indecent assault by the person.
 - (iii) The indecent assault was committed by touching the complainant's sexual or intimate parts with sexual or intimate parts of the person.
 - (iiii) The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

(May 18, 1976, P.L.120, No.53, eff. 30 days; Feb. 2, 1990, P.L.6, No.4, eff. 60 days; Mar. 31, 1995, 1st Sp.Sess., P.L.985, No.10, eff. 60 days; Nov. 23, 2005, P.L.412, No.76, eff. 60 days)

Cross References. Section 3126 is referred to in sections 2714, 3141, 9122 of this title; section 3304 of Title 5 (Athletics and Sports); sections 5329, 6303, 6304, 6344 of Title 23 (Domestic Relations); sections 5552, 6302, 6358, 6402, 6403, 9799.13, 9799.14, 9799.24 of Title 42 (Judiciary and Judicial Procedure); section 2303 of Title 44 (Law and Justice); section 7122 of Title 61 (Prisons and Parole).

§ 2709.1. Stalking.

(a) Offense defined.--A person commits the crime of stalking when the person either:

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

(b) Venue.—

(1) An offense committed under this section may be deemed to have been committed at either the place at which the communication or communications were made or at the place where the communication or communications were received.

(2) Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

(c) Grading.—

(1) Except as otherwise provided for in paragraph (2), a first offense under this section shall constitute a misdemeanor of the first degree.

(2) A second or subsequent offense under this section or a first offense under subsection (a) if the person has been previously convicted of a crime of violence involving the same victim, family or household member, including, but not limited to, a violation of section 2701 (relating to simple assault), 2702 (relating to aggravated assault), 2705 (relating to recklessly endangering another person), 2901 (relating to kidnapping), 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), an order issued under section 4954 (relating to protective orders) or an order issued under 23 Pa.C.S. § 6108 (relating to relief) shall constitute a felony of the third degree.

(d) False reports.--A person who knowingly gives false information to any law enforcement officer with the intent to implicate another under this section commits an offense under section 4906 (relating to false reports to law enforcement authorities).

(e) Application of section.--This section shall not apply to constitutionally protected activity.

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Communicates." To convey a message without intent of legitimate communication or address by oral, nonverbal, written or electronic means, including telephone, electronic mail, Internet, facsimile, telex, wireless communication or similar transmission.

"Course of conduct." A pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct. The term includes lewd, lascivious, threatening or obscene words, language, drawings, caricatures or actions, either in person or anonymously. Acts indicating a course of conduct which occur in more than one jurisdiction may be used by any other jurisdiction in which an act occurred as evidence of a continuing pattern of conduct or a course of conduct.

Medical Amnesty Policy

Guiding Principles

1. The health and safety of students are of primary importance to Muhlenberg College.
2. Students are encouraged not only to look out for their own health and safety, but also for the health and safety of their peers.
3. It is imperative that someone calls for medical assistance when an individual experiences severe intoxication or serious injury after consuming alcohol and/or other drugs (AOD).
4. When a student's health and safety are threatened or appear to be in jeopardy, immediate action should be taken to prevent injury/illness/danger.
5. Students may be reluctant to seek help in AOD-related emergencies because of anticipated consequences for themselves and for the person in need of assistance.
6. Muhlenberg College seeks to reduce any barriers that may jeopardize a student's health and safety. The "Muhlenberg College Medical Amnesty Policy" represents the College's commitment to increasing the likelihood that students will call for medical assistance when faced with an AOD-related medical emergency.

Policy

1. A student who seeks emergency medical assistance related to his or her consumption of AOD shall not be charged with violations of the College's Alcohol or Drug Policies. In lieu of judicial sanctions, the student

must complete a counseling evaluation and, if indicated, treatment. Failure to complete the prescribed course of action may result in the imposition of sanctions under the College's Student Code of Conduct.

2. Students who assist in obtaining emergency medical assistance on behalf of a fellow student experiencing an AOD-related medical emergency and are themselves under the influence of AOD, shall not be charged with violations of the College's Student Alcohol Policy and Drug Use and Controlled Substance Policy.
3. In circumstances where an organization is found to be hosting an event where medical assistance is sought for an intoxicated guest, the organization (depending upon the circumstances) may be held responsible for violations of the Student Alcohol Policy and Drug Use and Controlled Substance Policy. However, the organization's willingness to seek medical assistance for a member or guest will be viewed as a mitigating factor in determining a sanction.
4. The Medical Amnesty Policy does not preclude judicial sanctions due to any other violations of the Student Code of Conduct (not related to alcohol and other drugs).
5. The Medical Amnesty Policy does not prevent action by police or other law enforcement personnel. The College cannot guarantee that criminal charges will not be brought against the student if Allentown Police and/or an EMS agency are required for assistance during the incident.
6. In cases in which a student is transported to the hospital for an AOD-related medical emergency and is unconscious or otherwise in serious physical jeopardy, parental notification by College officials may occur as a precautionary measure.
7. This policy applies only to students who seek emergency medical assistance for themselves or a fellow student in connection with an AOD-related medical emergency. It does not apply to individuals experiencing an AOD-related medical emergency who are found by College employees (e.g., Campus Police, College Administrators).
8. This policy does not excuse or protect those individuals who repeatedly violate the College's Student Alcohol Policy and Drug Use and Controlled Substance Policy. In cases where repetitive violations occur, appropriate action under the College's Student Code of Conduct will be taken on a case-by-case basis.

Procedure

Information about the time and location of the AOD-related medical emergency will be recorded to enable any necessary follow-up in order to address issues of health and safety, vandalism, or chronic abuse of the Student Alcohol Policy and Drug Use and Controlled Substance Policy.

Muhlenberg College Student Code of Conduct can be found in the Student Resource Guide: [Student Code of Conduct](#)

Muhlenberg College Policy and Procedures for Issuing a Campus Timely Warning Notice or an Emergency Notification

In the event of a substantiated serious safety concern, either on college property or in the near vicinity of the campus, numerous and diligent efforts are made to advise members of the campus community. The College takes its duty seriously to inform students and campus community members of threatening situations - and how they can best protect themselves from harm. As a result, information about all Clery Act identified crimes and other potentially threatening situations is provided in an accurate and timely fashion. The College will release information which can be used by students and other College community members to reduce their chances of becoming victims. These notices will be issued as a means of a "Campus Timely Warning Notice" (CTWN) or an "Emergency Notification" (EN).

Campus Timely Warning Notice Policy

Campus Timely Warning Notice is specifically related to compliance with the federal Clery Act, which requires colleges and universities to alert the campus community of Clery Act identified crimes in a manner that is timely and will aid in the prevention of similar crimes. The intent of this notice is to provide a warning so that campus community members can protect themselves from harm. The Clery Act defines certain specific crimes that require a timely warning notice to be issued as soon as pertinent information is available involving crimes reported to Campus Security Authorities (CSA's) with significant responsibility for student and campus activities, Campus Safety, or the local police AND the reported crime(s) are believed to have occurred on campus, in or on non-

campus buildings or property, or on public property contiguous to the campus. Types of incidents or situations that constitute a campus timely warning being sent are:

1. **All Clery Act Crimes which represent a serious or continuing threat to the person and/or property of students and employees. Examples include but are not limited to:**
 - Criminal Homicide
 - Sex Offenses
 - Robbery
 - Aggravated Assault
 - Burglary
 - Motor Vehicle
 - Theft
 - Arson
 - Hate Crimes
 - Violence Against Women's Act (VAWA)
 - Dating Violence
 - Domestic Violence
 - Stalking

Timing, Content, and Decision Criteria for a Campus Timely Warning Notice:

The warning should be issued as soon as the pertinent information is available and without delay because the intent of a campus timely warning is to alert the campus community of continuing threats, especially concerning safety, thereby enabling community members to protect themselves.

The issuing of a timely warning notice must be decided on a case-by-case basis in light of all of the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

When a situation is reported that involves a Clery Act identified crime, the Campus Safety dispatcher will notify the Supervisor or senior officer on duty who will immediately respond to the scene to investigate. The officer will quickly assess the situation and ensure contact with the Director of Campus Safety or their designee. If the incident is a Clery Act identified crime, occurred in Clery reportable location, and represents a serious and continuing threat to the campus community, a timely warning will be issued. The Director has the ability to immediately initiate the Omnilert notification system using prepared messages or tailor a specific message. The Director may elect to consult with another member of the decision team to develop a message appropriate to the situation. A text message will then be sent without delay alerting the entire campus community of the type and location of emergency.

The Omnilert text message will be quickly followed by an email notification with additional details of the emergency sent to the entire campus community by the Executive Director of Communications or their designee. The content of that message will be developed from information provided by the Director of Campus Safety.

Clery Act regulations do not specify what information should be included in a timely warning. However, because the intent of the warning is to enable members of the campus community to protect themselves, the warning will include all information that would promote safety. Generally, the warning will specify the type of reported crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps to take to avoid becoming a victim and to protect themselves.

The timely warning notice WILL NOT include any information that would identify the victim.

Decision to Issue Campus Timely Warning Notice-Responsibility:

The decision to issue a Campus Timely Warning Notice is made in coordination and consultation by at least two of the following personnel from the Decision Team. All pertinent information regarding the circumstances of the Clery Act crime will be evaluated by the involved decision team members to determine if the criteria for sending a timely warning has been met. In an extreme circumstance warranting a timely warning, the notification process will be implemented at the sole direction of the Director of Campus Safety or their designee.

Decision Team:

Vice-President, Division of Student Affairs /Dean of Students
Executive Director of Communications
Senior Director, Communications
Associate Dean of Students
Director of Campus Safety or Designee
Title IX Coordinator

Note: The decision to issue a Campus Timely Warning Notice shall include a specific designation of the College office or person to be responsible for overseeing the dissemination of the warning.

The Director, Associate Director of DCS, or their designee and select members of the Office of Communications are able to initiate the timely warning message through the Omnilert computer application to launch a mass communication through the methods below.

How Campus Timely Warning Notices are issued:

1. Campus Timely Warning notices will be issued to students and employees upon the confirmation of a Clery Crime impacting the campus community and/or the surrounding area.
2. Upon receiving pertinent information that requires a Timely Warning, the Decision Team will communicate and/or convene to initiate the notification process without delay. Under circumstances where other members of the decision team are otherwise unavailable, the notification process will be implemented at the sole direction of the Director of Campus Safety or their designee.
3. This information may be disseminated to the campus community members via a variety of mechanisms or mediums. Muhlenberg College will use one or more of the following means:
 - electronic mail messages
 - text messaging to cell phones of those enrolled in the College's Omnilert text message alert service
 - telephone information line (484-664-6000)
 - Alertus Desktop alert message
 - College website
 - public announcements
 - classroom emergency phones (text to voice via Omnilert)
 - public address system (in buildings equipped with this feature)
 - postings and signage in residence halls and other highly visible locations throughout campus including staff/faculty lounges
 - Other methods deemed necessary that may be used in the information dissemination process.

Emergency Notification Policy

What Constitutes Issuance of an Emergency Notification /Safety Alert?

Muhlenberg College uses the Omnilert Emergency Notification to notify students and employees in a timely manner when it is determined (by DCS) that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The notification to the campus community may contain only the information that is reasonably necessary to promote the safety of the campus community as dictated by the situation. An Emergency Notification will be released as soon as reasonably necessary and without delay, unless notification will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. After the initial notification, follow-up information must be disseminated to the community via the mediums stated below. An Emergency Notification can be related to criminal activity that is not subject to the timely warning standard required by the Clery Act, but is not necessarily related to criminal activity. Examples of situations that may constitute the College's decision to issue an Emergency Notification include, but are not limited to:

1. **Situations involving significant emergencies or dangerous situations.** Examples include, but are not limited to:

- fire
- outbreak of meningitis, norovirus or other series illness
- approaching tornado, hurricane or other extreme weather conditions
- earthquake
- gas leak
- terrorist incident
- armed intruder
- bomb threat
- civil unrest or rioting
- explosion
- nearby chemical or hazardous waste spill

2. **Situations that would not necessitate an emergency notification under the Clery Act.** Examples include, but are not limited to:

- Power outages
- Snow closure
- String of larcenies

Decision to Issue Emergency Notifications – Responsibility:

The decision to issue an Emergency Notification is made in coordination and consultation by at least two of the following personnel from the Decision Team.

Decision Team:

Vice-President, Division of Student Affairs /Dean of Students
 Executive Director of Communications
 Senior Director, Communications
 Associate Dean of Students
 Director of Campus Safety or Designee
 Title IX Coordinator

In an extreme emergency, the notification process will be implemented at the sole direction of the Director of Campus Safety or his/her designee. Note: The decision to issue an Emergency Notification shall include a specific designation of the College office or person to be responsible for overseeing the dissemination of the warning.

How Emergency Notifications are Issued:

1. Emergency Notification messages will be issued to students and employees upon the confirmation obtained by a member of the decision team speaking with the DCS officer on scene of a significant emergency, dangerous situation impacting the campus community and/or the surrounding area that involves an immediate threat to the health or safety of students or employees.
2. Upon confirmation of an emergency situation that requires an immediate response, the Decision Team will communicate and/or convene via text or conference call, and initiate the notification process via the Omnilert system without delay. Under circumstances where other decision team members are unavailable, the notification process will be implemented at the sole direction of the Director of Campus Safety or their designee. This information may be disseminated to the campus community members via a variety of mechanisms or mediums. Muhlenberg College will use one or more of the following means:
 - electronic mail messages
 - text messaging to cell phones of those enrolled in the College’s Omnilert text message alert service
 - Telephone information line (484-664-6000)
 - Alertus Desktop alert message
 - Department of Campus Safety website

- public announcements
 - Classroom Emergency phones (text to voice via Omnilert)
 - public address system (in buildings equipped with this feature)
 - postings and signage in residence halls and other highly visible locations throughout campus including staff/faculty lounges
 - Other methods deemed necessary that may be used in the information dissemination process.
3. Unlike a Timely Warning Notice which must be sent campus wide, an Emergency Notification may be segmented to a specific group of individuals in a designated building/area. If an Emergency Notification is issued, there is no need to issue a Timely Warning for the same circumstance.
- If the Decision Team determines that an emergency notification is being segmented, Muhlenberg College community members immediately impacted by the dangerous situation (i.e., the building, adjacent buildings or surrounding area) will receive the emergency notification first through Omnilert.
 - Wider notifications may be issued to the larger community if that is deemed necessary by the Decision Team
 - If the emergency affects a significant portion of the entire campus, including, but not limited to outdoor spaces, the emergency notification will be issued to the entire Muhlenberg Community.

Informing the Larger Community on Emergency Notifications:

If the Decision Team determines that notification of audiences other than students and employees is necessary and appropriate, Muhlenberg College's procedures for disseminating emergency information to the larger community will include making pertinent information available on the College Website (www.muhlenberg.edu), as well as use of its Emergency Hotline (484-664-6000) and Campus Safety Dispatch (484-664-3110). In addition, the College will provide emergency information to the media as appropriate

Procedures/Checklist - All of this information must be placed in the incident file

1. Upon notification to the Director of Campus Safety or their designee of an incident occurring (one that fits a category above), an immediate call will be made to the Department of Campus Safety to brief them of the latest details of the occurrence.
2. Upon notification to the Director of Campus Safety or their designee and upon gathering the latest details of the occurrence known up to this point, contact will be made to at least one Crisis Leadership Team member (priority is that it is the Dean of Students unless they are unavailable)
3. If at any point during the process the decision is made to contact local police, the Director of Campus Safety or their designee will be responsible for contacting them. When local police are involved and a decision is made to send out a notice or alert, the Director of Campus Safety or Campus Safety Supervisor will be responsible for sending the message to the Chief of Police by way of email.
4. In writing the communication to campus, the Executive Director of Communication or representative plus at least one other person from the decision team will determine the communication and means of dissemination.
 - a. Under the appropriate circumstances, the Director of Campus Safety or their designee is authorized to send pre-determined, incident specific messages without conferring with other members of the decision team. These messages pertain to emergencies such as; Active Shooter on Campus, or a severe weather occurrence on or near campus.
5. Distribution of Communication is initiated via the Omnilert Notification system by either a member of the Office of Communications or by the Director of Campus Safety or their designee.

6. If need arises, the Crisis Leadership Team will determine the need for any additional messages to be sent as a follow-up to the reported situation.
7. A debriefing in reference to the incident will occur as soon as reasonably possible with persons directly involved and others deemed appropriate by the team involved in the decisions. Date of debriefing. Copies of all communication sent must be archived.
8. Notification through the Campus Radio Station – WMUH (91.7 FM): As a general policy, the College will remain open and fully operational during snow storms and emergencies. The information is provided to the disc jockey that they transmit the information through the radio frequency. Any need for closure of offices would be determined by the President according to College policy. Individual office closings require the approval of the President. Individual class cancellations are determined by the professor and are not posted in any manner through any of the notification options. If the College is closed due to a snow emergency, announcements will be broadcast as early as possible (by 7-7:30 a.m.), on the following radio stations: WAEB (104.1 FM, 790 AM), WLEV (100.7 FM), WKFB (770 AM), WMUH (91.7 FM), WZZO (95.0 FM), WEST (1400 AM), WCTO (96.1 FM), WODE (99.9 FM), WWYY (107.1 FM) and WBYN (1160 AM). Additionally, announcements will be carried on TV Channel 69 (WFMZ), 16 (WNEP), 28 (WBRE) and 22 (WYOU). When applicable the College may use these media outlets to provide information on other campus events. In addition to campus events these stations may provide information on local events and incidents as well.
9. Notification through a Campus-wide Alarm: The Miller Carillon in Haas College Center is activated in the Department of Campus Safety. An alarm will send an audible signal for members of the community to check their email, the intranet/message board, and/or the campus cable television network and WMUH for emergency information.

Emergency Evacuation Procedures

An evacuation drill is coordinated by the DCS each semester for all residential facilities on campus. Thus, the emergency response and evacuation procedures are tested at least twice each year. An email notification publicizing information regarding evacuation procedures is sent to students in the days preceding the evacuation drill. In the event of an alarm, students are instructed to immediately exit their location and meet in their evacuation staging location. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation through posted evacuation plans on the back of all residential room doors. DCS does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, the 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, College staff or the appropriate responding agency on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of an evacuation drill is to prepare building occupants for an organized evacuation in case of a fire or other emergency. Evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice" drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. 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 DCS to evaluate egress and behavioral patterns. Reports are prepared by participating DCS officers that identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments/offices for consideration. Evacuation drills are documented by the dispatchers on duty during the drill and are kept on file in the dispatch area. Items documented by officers are the time the drill begins and ends, the condition of pull stations, bells, Pa systems, strobe lights, and fire exit signs. Officers also ensure that elevators function as designed, returning to the ground floor prior to being rendered temporarily disabled.

Students receive information about evacuation during their first floor meetings and during other educational sessions that they can participate in throughout the year. The HRL Staff members are trained in these procedures

as well and act as an ongoing resource for the students living in residential facilities.

Emergency Planning Drills and Exercises:

When campus wide shelter-in-place drills are conducted, the entire campus community is notified in advance that there will be a drill on campus. Shelter in place procedures are communicated with students during their first floor meetings and 3 Outs programs that students and staff can participate in throughout the year. The 3 Outs program provides training on evacuation and shelter-in-place options for students and staff. The HRL Staff members are trained in these procedures as well and act as an ongoing resource for the students living in residential facilities. These drills and trainings are documented in our Omnigo online reporting system. In addition to this training, DCS conducts at least one lock down drill per semester and one tabletop exercise per semester.

- Shelter in Place Drills were conducted on 02/06/2020 and 10/28/2020
- A Tabletop Exercise on the topic of Covid-19 was conducted on 12/16/2020

Notification of Missing Students

If a member of the campus community has reason to believe that a student is missing, he or she should immediately notify the Department of Campus Safety and Police (Campus Safety) at (484) 664-3110, or local law enforcement by calling 911. There is no waiting period for reporting a missing person. Once notified Campus Safety will generate a missing person report and initiate an investigation. All students must identify an emergency contact person during the registration process. Students may also choose to register a confidential emergency contact person after completing registration. The most current student emergency contact on record will be notified by Muhlenberg College within 24 hours if Campus Safety makes a determination of the student being missing or in the event the College is notified by another law enforcement agency of the missing student. A student who wishes to identify a confidential emergency contact can do so using the link below:

[Confidential Contact Registration Form](#)

A student's confidential emergency contact information will be accessible only by authorized campus officials and disclosed to law enforcement in furtherance of a missing person investigation.

For student in on-campus housing:

After investigating the missing person report, should DCS determine that the student is missing and has been missing for more than 24-hours, DCS will notify the Allentown Police Department, even if they have not registered an emergency contact person. The Dean of Students or their designee will notify the student's emergency contact no later than 24-hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, Muhlenberg College will notify the student's parent or legal guardian immediately after DCS has determined that the student has been missing for more than 24-hours in addition to notifying, no later than 24 hours after the determination that the individual is missing, any additional emergency contact person designated by the student.

Notification to the emergency contact person and/or parents will be made by the Dean of Students or their designee. Students residing in on-campus housing have the option to identify a confidential emergency contact person to be contacted by Muhlenberg College in the event the student is determined to be missing for more than 24-hours. If a student has identified such an individual, Muhlenberg College will also notify that individual no later than 24-hours after the student is determined to be missing.

For students in off-campus housing:

Reports of students missing from off-campus residences will be referred to the police department having jurisdiction over the student's local residence, if known, or the student's permanent residence if a local residence cannot be determined. DCS will assist the agency of jurisdiction as requested by that agency.

Emergency/Crisis Response

The College has a Crisis Management Manual that includes information about the Crisis Management Team; operational guidelines and actions to take in the event of specific incidents; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning

requirements. All departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The College reviews and conducts numerous emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

DCS supervisors and various members have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually officers from DCS, APD and the Allentown City Fire and Emergency Medical Services, and they typically respond and work together to manage the incident. Depending on the nature of the incident, other campus departments and other local or federal agencies could also be involved in responding to the incident.

If you have an EMERGENCY requiring police, fire, or ambulance call Campus Safety at 484-664-3110 or 911 without delay. When you call for emergency services, stay on the line and give the following information – your name, telephone number, your location, the location of the emergency and the extent and nature of the emergency. Be informed and prepared in advance. Do not wait until an emergency strikes to know what to do. Be aware of your surroundings and report any suspicious activities. Know where the fire alarm pull stations are located within the buildings and know how to evacuate the building if the alarm is set off. Emergency call boxes have been installed in various locations around campus. The call boxes call Campus Safety when activated.

In addition to the above, general information about the emergency response and evacuation procedures for the campus are publicized each year as part of the institution's Clery Act compliance efforts, and that information is available on the DCS website. Detailed information and updates to the Crisis Manual on the DCS website at: <http://www.muhsenberg.edu/main/aboutus/campus-safety/crisisresponseguidelines/>

The information provided below are risk reduction strategies but they are not foolproof. There are no guarantees and nothing works all the time. It is our hope that these tips be used by you as a preparatory step towards your overall safety and in formulating your individual safety plan. While all scenarios cannot be covered these are some we feel could be helpful to you.

Fire and/or Explosion

1. In the event of a fire or explosion:
 - a. Sound any available fire alarms.
 - b. Immediately call Campus Safety at 3110 or 3112. Give your name, location, and the extent of the problem.
 - c. If the fire is small, attempt to extinguish it with a fire extinguisher.
 - d. If the fire is large, evacuate the building via the nearest fire exit. * Close all doors as you leave. DO NOT delay evacuation to retrieve personal items.
 - e. If leaving a room, feel the door with the back of your hand before opening it. DO NOT open any door that feels hot.
 - f. If smoke is present, stay low. The best quality of air is near the floor.
 - g. Always use the stairs to exit upper floors. DO NOT Use the elevator.
2. Additional suggestions:
 - a. Do not panic.
 - b. Do not run or use excited motions.
 - c. Use stairways. Do not attempt to use elevators; they will shut down during a fire.
 - d. Know in advance the locations of at least two fire exit routes.
 - e. Be on the lookout for signs of smoke and fire.

- f. Know the locations of fire extinguishers and how to use them.
- g. Prevent fires through good housekeeping habits.
- h. If you use a fire extinguisher remember P-A-S-S:

Pull the pin

Aim the nozzle towards the fire

Squeeze the handle

Sweep the base of the fire.

Never turn your back on what you extinguished walk away backwards

Notify Campus Safety – even if the fire is extinguished

3. If you are trapped and cannot evacuate, close any doors between you and the fire. If available, wedge wet towels or cloth material along the bottom of the door to keep smoke out. Notify Campus Safety dispatcher or 911 of your location and stay on the phone as long as possible. Break a window only as a last resort, such as needing oxygen to breathe. Use caution when breaking any window.

* Upon evacuation of academic buildings, building occupants should gather in the following areas:

If the academic building is on the North side of Chew St. (College Center, Seegers Union, etc.), occupants should gather on the Front Lawn.

If the academic building is on the South Side of Chew St. (Trexler Library, Center for the Arts, Trexler Pavilion), occupants should gather on the lawn area to the east of the Library.

Injury or Illness

1. Do not move an injured or ill person unless it appears to be a life-threatening situation.
2. Call or, if possible, have another person call Campus Safety at 484-664-3110. Provide the dispatcher with as much information as possible regarding the nature of the injury or illness, and state whether or not the victim is conscious, etc. Campus Safety will arrange for an ambulance if required and will also notify the Student Health Center and/or other emergency agencies.
3. Return to the victim. Administer first aid or CPR if you are knowledgeable and you have such training. Keep the victim as comfortable as possible. Do not jeopardize your health or the health of the patient. Wait for professional help if you are unable to provide proper first aid/safety.
4. Remain with the victim until the Campus Safety Officer arrives. Comfort the patient and reassure them that medical assistance is on the way.
5. If the medical emergency is related to an on-the-job notify the Department of Human Resources for assistance in documentation.

Crime in Progress / Civil Disturbance

1. Do not attempt to apprehend or interfere with the criminal except for self-protection.
2. Telephone Campus Safety at 3110 or 3112. Give your name, location and department. Advise the dispatcher of the situation and, if you are safe, remain where you are until contacted by an officer.
3. If safe to do so, attempt to get a good description of the criminal. Note height, weight, sex, ethnic origin, approx. age, clothing, method and direction of travel, and name if known. All of this takes only a few seconds to notice and is of utmost help to the investigating officers. If the individual enters a vehicle, note the license number, make and model, color and any other noticeable characteristics.
4. In the event of civil disturbance continue with your routine as much as possible. If the disturbance is outside, stay away from doors and windows. Unless threatened with physical harm, do not leave your

work location until advised by a College official and/or their designee.

5. Do not interfere with those creating the disturbance or with law enforcement authorities on the scene.

Earthquake

1. If you are in a building, move away from windows and position yourself in a doorway or under a desk or table.
2. When the tremors cease, or they are very slight, * evacuate the building in an orderly fashion.
3. Use stairways - not elevators - during evacuation.
4. If possible, Campus Safety personnel will assist in the evacuation of building occupants into open areas.
5. Avoid positioning yourself under or next to objects that may topple, such as utility poles, trees, etc.
6. Reassemble in a location as directed by your supervisor or by a Campus Safety Officer. Attendance will be taken to assure that all personnel are accounted for outside of your facility.
7. Should you require evacuation assistance, please telephone the Campus Safety Office at 484-664-3110 or 484-664-3112.

* Upon evacuation of an academic building, building occupants should gather in the following areas: If the academic building is on the North side of Chew St. (College Center, Seegers Union, etc.), occupants should gather on the Front Lawn.

If the academic building is on the South Side of Chew St. (Trexler Library, Center for the Arts, Trexler Pavilion), occupants should gather on the lawn area to the east of the Library.

Chemical or Radiation Spill

1. Pull the fire alarm and evacuate the building. Alert personnel in the vicinity and warn them from entering the area.
2. Once you reach a safe location, call the Campus Safety Office at x3110 or x3112 and give the following information:
 - a. Type of incident (chemical spill, radiation hazard, etc.)
 - b. Type of chemical, if known.
 - c. Whether or not students are injured. Extent of injuries.
 - d. Location of incident (building, room number, etc.).
 - e. Name, title of caller (student, technician, professor, etc.), and call back number
3. If anyone had contact with the hazardous material, they should be isolated and await treatment by emergency personnel. If appropriate, remove contaminated clothing, flush the affected area with copious amounts of water for at least 15 minutes, and provide first aid if necessary and you are trained to do so.
4. Should the spill occur outside your building:
 - a. Notify the Campus Safety Office of the incident and type of chemical, if known.
 - b. Remain in your building unless ordered by Campus Safety to evacuate.
 - c. Close all windows and turn off all outside air intake vents or fans.
 - d. Leave your building only when told to do so, and travel away from the spill and in an upwind direction, if possible.

* Upon evacuation of an academic building, building occupants should gather in the following areas:

If the academic building is on the North side of Chew St. (College Center, Seegers Union, etc.), occupants should gather on the Front Lawn.

If the academic building is on the South Side of Chew St. (Trexler Library, Center for the Arts, Trexler Pavilion), occupants should gather on the lawn area to the east of the Library.

DO NOT re-enter the building until told to do so by emergency personnel.

Bomb Threat

1. Whenever a bomb threat is received over the phone, remain calm and write down the following information:
 - a. The exact words of the caller.
 - b. Location of the bomb.
 - c. When the bomb is supposed to go off.
 - d. Type of bomb, how it will detonate and who placed it, if stated.
2. Write down a description of the caller' voice:
 - a. Male, female, child or adult.
 - b. Any background noise?
 - c. Particular accent or inflection in the caller's voice.
 - d. Your mental picture of the caller.
3. Notify Campus Safety, as quickly as possible, by phoning 484-664-3110.
4. Evacuation Procedure:
 - a. If you perceive the situation as life threatening you should evacuate immediately and not wait for Campus Safety to arrive at the building. **DO NOT** activate the fire alarm to evacuate the building.
 - b. Take note of "suspicious" items as you exit the building but do not touch or move them if they do not belong to you.
 - c. If an entire building is to be evacuated, Campus Safety normally will enter each classroom, lab, or work area and verbally inform occupants of the situation and ask them to evacuate in an orderly fashion. Remove only items that belong to you and do not turn on or off any devices or lights.
 - d. Assemble in a location outside your building as detailed in the College Emergency Egress Plan or the Campus Safety Officers.
5. Responsibility of individuals in classroom or lab:
 - a. If directed by Campus Safety, ask room occupants to pick up all of their belongings and leave in an orderly fashion. Remove only items that belong to you and do not turn on or off any devices or lights.
 - b. Make a survey of the room before leaving it to detect any piece of equipment, article or object, which is not ordinarily there, making certain not to touch the unknown object.
 - c. Relay any noteworthy information to Campus Safety after leaving the building.

Armed Intruder

If you witness any violent intruder on campus at any time, as soon as you can do so safely contact Muhlenberg College Department of Campus Safety and Police at 484-664-3110. If possible, try to get away from the person and lock yourself in a secure area. If the individual is acting in a hostile or belligerent manner, call the Campus Safety, then call 911. There are no easy answers for what to do if confronted by a shooter, however it is recommended that you follow the 3 Outs protocol:

- Get OUT
- Lock OUT
- Take OUT

Get OUT

- Use exits or ground floor windows to leave the area immediately
- Evacuate to an area that can be secured or far enough away from the building to provide safety
- Look for areas that provide protection if shots are fired

Lock OUT

- Quickly gather others from unsecured areas
- Lock, barricade, or tie off the door
- Turn off lights
- Remain quiet and hide from view
- Silence cell phones
- Look for paths of escape
- Prepare next steps

Take OUT

As a last resort:

- Attempt to incapacitate the Intruder
- Use improvised weapons
- Work together: throw objects in unison
- Act with aggression
- Commit to your actions

Remember, there may be more than one active shooter and police will be actively looking for the intruder(s). Regardless of the location of a shooter incident, response personnel (i.e. Campus Safety and other law enforcement agencies) will be charged with resolving the situation. This means that the first response personnel will bypass anyone who is not the active aggressor. If you encounter response personnel do not approach them or engage in physical contact. Render aid to others as can be done safely. Requesting police assistance in providing aid to an individual will slow the response of law enforcement, who are tasked with stopping the aggressor.

When you see law enforcement responding to a shooter situation stay clear of their movement. If in a hall get close to the walls and put your hands where they can be seen. If you have information about the shooter (i.e. description, identity, location, and number of shooters) advise the responding officers that you have information and provide it to the police as quickly and accurately as possible.

Once the aggressor is located and stopped, additional law enforcement will assist with those who may be injured, while others will be conducting a thorough search of the area. This may take considerable time, so be sure to wait for the “all clear” instruction.

Shelter-in-Place Procedures – What it means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, keys, ID card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, including DCS, HRL Staff members, other College

employees, APD, the federal or state government, or other authorities utilizing the College's emergency communications tools.

How to "Shelter-in-Place"

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

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - a. An interior room
 - b. Above ground level; and
 - c. Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Make a list of the people with you and ask someone (HRL Staff, faculty, or other staff) to call the list in to DCS so they know where you are sheltering. If only students are present, one of the students should call in the list.
6. Monitor the Omnilert notification system for further instructions.

Education of Members of the Campus Community

The Muhlenberg College Department of Campus Safety believes it is more beneficial to prevent crimes than to react to them after the fact. A primary vehicle for accomplishing this goal is a comprehensive crime prevention program. This program is based upon the concepts of eliminating or minimizing criminal opportunities, whenever possible, and encouraging students and employees to be responsible for their own security and the security of others.

Campus security and fire safety and evacuation procedures are discussed during new student orientation residence hall programs. The DCS and HRL Departments, participate in forums, meetings, and programs in residence halls to address students and to explain Campus security, public safety, and fire safety measures and procedures at Muhlenberg College. Members of DCS conduct crime prevention and general security and safety awareness presentations when requested by various community groups, including students and employees of the College. During these presentations, the following information is typically provided: crime prevention tips; statistics on crime at Muhlenberg College and the surrounding area; fire safety information; information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security/safety and for the security/safety for others on campus. In addition, DCS participates in a variety of on-campus programs throughout the year which are staffed by an officer(s) at various event locations. These activities provide an opportunity for DCS staff to hand out safety-related information, as well as to answer individual questions.

The following is a listing of the crime prevention programs and projects employed by Muhlenberg College:

1. **Personal Safety Escort Program**: DCS provides an escort service either by campus vehicles or on foot from dusk to dawn seven days a week to students, staff, faculty, and visitors who request it by calling DCS at (484) 664-3112. DCS provides personal safety escorts for:
 - a. Persons walking from one point on campus to another point on campus whenever personal safety is a concern.
 - b. Persons traveling from the campus to their off-campus residence after dark. Escorts are provided

to and from campus within a three-block radius of the campus boundary. DCS will not provide escorts to or from establishments that provide alcohol within the escort service boundary.

- c. In addition to the Escort Service, Muhlenberg College provides shuttle service with various stops beyond the campus boundaries. Information regarding the operations and destinations of the shuttle service can be obtained through the DCS at 484-664-3110
2. New Student Orientation: crime prevention information accompanied by brochures and other printed material is presented as a formal part of new student orientation during the summer and again at the start of the academic year.
3. Residence Hall Security: The Department of Campus Safety works closely with the Housing & Residence Life to promote safety in the residence halls through training and education of staff and residents.
4. Emergency Telephones: located throughout the campus.
5. Crime Prevention Presentations: officers present frequent crime awareness and prevention programs in residence halls and elsewhere on campus throughout the year. Programs are tailored to the particular interests of student, faculty, or staff groups.
6. Rape Awareness, Education and Prevention: programs pertaining to domestic violence, rape, and sexual assault, include Rape Aggression Defense (RAD) self-defense classes for women and men. RAD programs can be scheduled by specific groups through DCS and may be limited in size based on availability of instructors. The course includes lecture, discussion and self defense techniques, suitable for men and women of all ages and abilities. The courses are twelve hour in length and taught for three hours a night. Instructors are willing to try to work around your schedule, making it easier for you to attend. Students learn safety tips, definitions of terms such as rape, sexual assault, stalking, date-rape, impaired consent and EASY, NATURAL, SIMPLE self-defense movements to name a few. **R.A.D. IS TOTALLY FREE for both the women's and men's program!** All manuals are supplied, along with gear for the simulation night.
7. Parking Facility Security: All major parking lots are equipped with emergency phones and CCTV augments security and lighting is well maintained. CCTV cameras are not monitored but utilized in obtaining information for investigations due to reported activity.
8. Security Alarm Systems: a sophisticated computer-enhanced alarm system monitors a campus-wide network of intrusion, fire and duress alarms.
9. Architectural Design: the DCS work closely with design engineers, Plant Operations, and the Office of Information and Technology regarding physical security systems and fire safety equipment when new construction or major renovations are planned on campus.
10. Security Surveys: comprehensive physical and operational security surveys are frequently conducted by the DCS to assist the College in improving the security of the campus community.
11. Facilities Surveys: a patrol responsibility designed to identify and correct deficiencies in exterior lighting, locking hardware and safety of the grounds is conducted by the DCS during routine patrols of the campus and campus facilities.
12. Operation Identification: Operation Identification, the national program of engraving serial numbers or owner-recognized numbers on computers, bicycles and other valuable items, is coordinated by the DCS. Engravers are made available to members of the campus community free of charge.
13. Crime Prevention Announcements: articles and information are regularly provided to *The Weekly*.
14. Printed Crime Prevention Materials: brochures, posters and bookmarks carrying crime prevention and awareness information related to a variety of topics including but not limited to theft, substance abuse, binge drinking, sexual harassment, domestic violence, sexual assault, security of personal belongings, identity theft, personal health and safety, and motor vehicle security are widely distributed at crime prevention presentations and at various locations throughout the campus.
15. After Hour Service contact: Campus Safety also takes after hours' maintenance calls for Plant Operations. DCS also handles after hours' calls for the Health Center and the Counseling Center; we can put you in contact with a health professional or a counselor.

16. Employee Training: The College uses Everfi as our vendor for three mandatory employee training programs. Those three programs are to be completed by all new employees within their first 90 days of employment. Campus Answers has a website that HR can access which tracks the progress employees are making and records their completion dates for the training; Campus Answers also sends automatic reminders to employees who haven't completed the training programs on schedule.
- a. Preventing Discrimination and Sexual Violence: Title IX, VAWA & Clery Act
 - b. Diversity Benefits for Higher Education
 - c. Discrimination and Harassment Prevention for Higher Education

Additional training is typically offered on Clery, Title IX and VAWA by the Director, Campus Safety and the Title IX Coordinator at various times during the year, but those sessions are not mandatory and attendance is not systematically tracked.

As part of our on-boarding process, all new employees sign the Drug-free Workplace Policy and Consent form. That document can be found online in the on-boarding packet (it is page 34 of 41), at this link: [Drug Free Workplace Consent Form](#)

Our onboarding process also provides for employees to sign acknowledging that they have received information on important policies, with this link [Human Resources](#) that takes them to the list of policies below (and there are links to each of the policies on that page).

- [Bloodborne Pathogen](#)
- [Code of Ethics & Conduct](#)
- [Conflict of Interest \(COI\)](#)
- [Conflict of Interest Policy - Family Members](#)
- [Disability Pay Policy](#)
- [Drug Free Workplace Policy](#)
- [Electronic Communications Policy](#)
- [Email Departure Policy](#)
- [Equal Opportunity and Nondiscrimination Policy](#)
- [Family Medical Leave Act \(FMLA\)](#)
- [Hate/Bias Policy](#)
- [Hot Line Policy](#)
- [Military Leave Policy](#)
- [Minors On Campus](#)
- [Paid Parental Leave Plan](#)
- [Program Protocols](#)
- [Non-Discrimination Policy Statement](#)
- [Summary and Notice of Privacy Practices](#)
- [Pet Policy](#)
- [Prior Service Credit](#)
- [Problem Resolution](#)
- [Smoke- and Nicotine-Free Campus Policy](#)
- [Snow and Ice Management Policy](#)
- [Tuition Scholarship Assistance](#)
- [Tuition Scholarship Plan - LVAIC Employee Cross Registration Policy](#)

- [Weapons Policy](#)

Responsibilities of the Campus Community

Members of the campus community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance.

1. Report all suspicious activity to DCS immediately.
2. Never take personal safety for granted.
3. Try to avoid walking alone at night. Use the DCS escort service.
4. Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively. Remember to call DCS or APD for help at the first sign of trouble.
5. Carry only small amounts of cash.
6. Never leave valuables (wallets, purses, books, calculators, etc.) unattended.
7. Carry your keys at all times and do not lend them to anyone.
8. Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
9. Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
10. Do not leave valuables in your car, especially if they can be easily noticed.
11. Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on items of value.
12. Inventory your personal property and insure it appropriately with personal insurance coverage.

Alcohol and Drug Policies

The Department of Campus Safety is committed to promoting the health and safety of its campus community through a program of alcohol education and the implementation of relevant policies. The DCS enforces compliance with state and local drug laws and alcoholic beverage laws on campus and at campus sponsored activities. The College affirms its adherence to the following principles:

- The College strictly prohibits the unlawful possession, use, or distribution of illicit drugs or alcohol by students or employees.
- The misuse and/or abuse of alcoholic beverages and related behavior, such as disorderly conduct, illness due to excessive consumption of alcohol, and destruction of property, pose a danger to individual members and to the community at large.
- The promotion of alcoholic beverage consumption as the primary focus of on- and off- campus activities is inappropriate because it invites members of the campus community to violate campus rules and regulations and Pennsylvania laws.
- Consumption of alcoholic beverages should only be by persons of legal age and by personal choice. In the State of Pennsylvania it is unlawful for anyone under the age of 21 to purchase, consume, possess, or transport any alcoholic beverage. Muhlenberg College complies with federal, state and local laws, which regulate the possession, use and sale of alcoholic beverages. Private consumption of alcoholic beverages by individuals of legal age (21) for their own personal use is permitted on campus only in private rooms and suites in residence units, including special interest houses and fraternity houses. No open containers of alcohol are permitted in public areas; this is a City of Allentown Ordinance. Individuals found to be in violation of the alcohol policy are referred to the Dean of Students Office for a judicial review and/or the Allentown Police Department. Pennsylvania's "Zero Tolerance" law has lowered the blood alcohol content for minors from .10% to .02%.
- Those who choose to consume alcoholic beverages should do so responsibly and in moderation.
- Consumption of alcoholic beverages should not be the main focus of an event or the only means of refreshment at an event.
- The responsibility for proper consumption of alcoholic beverages and for compliance with state and local

- laws rests with each individual member of the campus community.
- The Dean of Students Office may contact by phone and/or letter parents of underage students who violate the Alcohol Policy and parents of any students who violate the Drug Policy.

Muhlenberg College recognizes that the use of drugs is a serious problem in American society today. (Drug use includes an array of activities ranging from the casual consumption of alcohol at a cocktail party to the addictive use of hard drugs). As a church-related, liberal arts College which is concerned for the welfare of the individual student, Muhlenberg has the obligation to educate its students to the dangers of drugs. When a student uses drugs, the College makes every effort through counseling and referrals to assist that person to gain the help that he or she might need to live a life free of drug dependencies. Consistent with its concern for the welfare of its students, moreover, the College will not tolerate the illegal distribution of drugs on campus. When it becomes aware that students are using or distributing illegal drugs, the College reserves the right to contact those local, state and federal officials charged with enforcing state and federal drug laws.

The College's response to drug use on campus may, therefore, take one or more of the following forms: referral to counseling or psychiatric services, internal disciplinary action or referral to law enforcement officials. First, Muhlenberg recognizes that the use of drugs can seriously affect an individual's health, personal relationships and his or her ability to function in a competitive academic environment. In many cases the sustained use and abuse of controlled substances are symptoms of emotional problems which require referral to medical and psychological professionals. When the College becomes aware that an individual is using drugs, it reserves the right, following consultation with the student, to make referrals and to consult the student's family regarding the problem.

Second, since behavioral problems may arise as a result of drug use, as per Title 35 of the Pennsylvania Crimes Code, the essential provisions of which are printed below, (Students who possess, use, or distribute drugs or drug paraphernalia are, therefore, subject to College disciplinary action including possible suspension or expulsion). The College cannot tolerate behavior which is harmful to the individual; infringes upon the rights of others; or which the College deems detrimental to the welfare of an academic community. In general, the College reserves the authority to require the withdrawal from the College of any students whose activities or continuing presence constitutes a risk to the health, safety, or the general well-being of the College community or to himself/herself. Third, students who violate Pennsylvania or federal laws are also subject to prosecution in the local, state, and federal courts. If the College becomes aware of the distribution on campus of illegal drugs, it reserves the right to contact authorities and to cooperate with them in bringing to justice the person or persons involved. The College will not serve as a haven for illegal activity of any sort. As citizens of the United States and as adults in the Commonwealth of Pennsylvania, Muhlenberg students are legally responsible for their acts.

The Dean of Students reserves the authority to exercise discretion in all disciplinary matters, giving consideration to the particular circumstances. These procedures related to the student code of conduct do not take the place of criminal prosecution. The College also can choose to contact Federal, State, or Local law enforcement authorities for any drug law violations occurring on campus.

If any device (i.e. hookah, pipe, bong, vaporizer, or grinder, etc.) is suspected of being used for drug use, the device will be confiscated and tested.

In order to inform students of the terms of Pennsylvania law, relevant sections of the Pennsylvania Crimes Code, Title 35 follow:

Schedules of Controlled Substance (Section 4)

The law recognizes five categories of controlled substances ranging from the most dangerous listed in Schedule I to the least dangerous listed in Schedule V.

Schedule I - selected opiates and opium derivatives such as heroin; hallucinogens such as LSD; and marijuana. Note: Although the law no longer classifies marijuana as a narcotic, it still lists it as a controlled substance under Schedule I.

Schedule II - opium; amphetamine; coca leaves; and methadone.

Schedule III - selected substances which have a depressant effect on the central nervous system such as barbituric acid.

Schedule IV - selected substances which have a depressant effect on the central nervous system but which have a lower potential for abuse relative to substances in Schedule III, e.g., Phenobarbital.

Schedule V - substances such as cough syrup which may contain limited quantities of a narcotic but which also include one or more non-narcotic medicinal ingredients which confer upon the substance valuable medicinal qualities other than those possessed by the narcotic alone.

2. Prohibited Acts; Penalties (Section 13)

- a. **Clause 1** - the manufacture, sale or delivery, holding, offering for sale, or possession of any controlled substance, other drug, device or cosmetic that is adulterated or misbranded. (Punishable by imprisonment not exceeding one year or by payment of a fine not exceeding \$5,000 or both.)
- b. **Clause 12** - The acquisition or obtaining or possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge. (Punishable by imprisonment not exceeding one year or by payment of a fine not exceeding \$5,000 or both.)
- c. **Clause 16** - Knowingly or intentionally possessing a controlled substance by a person not registered under the act except through valid prescription order. (Punishable by imprisonment not exceeding one year or by payment of a fine not exceeding \$5,000 or both.) Note: A second conviction for acts described in Clauses 1, 12 and 16 carries a maximum prison sentence of three years, or a maximum fine of \$25,000 or both.
- d. **Clause 30** - The manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under the act. (The severity of the penalty varies according to the substance involved. The maximum penalty is for narcotics and consists of imprisonment not exceeding fifteen years or of a fine not exceeding \$250,000 or both.)
- e. **Clause 31** - The possession of a small amount of marijuana only for personal use; the possession of a small amount of marijuana with the intent to distribute it but not to sell it; the distribution of a small amount of marijuana but not for sale. The act defines a "small amount of marijuana" as 30 grams of marijuana and eight grams of hashish. (Punishable by imprisonment not exceeding 30 days or by fine not exceeding \$500 or both)
- f. **Clause 32** - The use of, or possession with intent to use, drug paraphernalia for the purpose of planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packing, repacking, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of this act.
- g. **Clause 33** - The delivery of, possession with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it would be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this act.
- h. **Clause 34** - The placing in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part is to promote the sale of objects designed or intended for use as drug paraphernalia.

The entire text of the *Student Alcohol Policy* is contained online at:

[Student Alcohol Policy](#)

The entire text of the *Drug Use and Controlled Substance Policy* is contained online at:

[Drug Use and Controlled Substance Policy](#)

The entire text of the “*THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT*” Act of 1972, P.L. 233, No. 64 is contained online at: <http://www.health.state.pa.us/pdf/ddc/ddcAct.pdf>

Members of the campus community should know that when College drug and alcohol policies are violated disciplinary action, which may include eviction from the residence halls, revocation of other privileges, or suspension or expulsion from Muhlenberg College, may be taken in order to protect the interests of the College and the rights and safety of others.

Abuse of alcohol and drugs can have a dramatic impact on professional, academic, and family life. Muhlenberg College, therefore, encourages members of the community who may be experiencing difficulty with drugs or alcohol to contact one of the following resources available on-campus:

Resources

- Employee Assistance Program, (484) 664-3165
- Student Health Service, (484) 664-3199
- Counseling Center, (484) 664-3178

Drug abuse hold

The Anti-Drug Abuse Act of 1988 includes provisions that authorize federal and state judges to deny certain federal benefits, including student aid, to persons convicted of drug trafficking or possession. The United States Department of Education maintains a file of those who have received such a judgment, and it checks applicants against that file to determine if they should be denied aid. This is separate from the check for a drug conviction discussed above, but the result could be the same. Confirmation of a student being in the drug abuse hold file will produce a rejected application and the student will not be able to receive financial aid.

Drug-Free Schools and Communities Act, Education Department General Administrative Regulations [EDGAR] Part 86, Annual Notification, September 2017

As a requirement of these regulations, Muhlenberg College (“College”) is required to disseminate and ensure receipt of the following policies/information to all students, staff, and faculty on an annual basis. This process is formally conducted by email. Questions concerning this notification and/or alcohol and other drug (“AOD”) programs, interventions and policies may be directed to Jules Purnell, Director of Prevention Education, Muhlenberg College: julespurnell@muhlenberg.edu

Policies – Alcohol and Other Drugs (AOD)

As an academic community, Muhlenberg College is committed to providing an environment in which learning and scholarship can flourish. The possession or use of illegal drugs, or the abuse of those which may otherwise be legally possessed, seriously affects the College environment, as well as the individual potential of our students and employees. The College enforces state and federal laws and related College policies, including those prohibiting the following activities on campus:

1. Providing alcoholic beverages to individuals under 21, and the possession or consumption of alcoholic beverages by individuals under 21.
2. Distribution, possession, or use of illegal drugs or controlled substances.

The abuse of alcohol and other drugs by students, regardless of age and of location (on-campus or off-campus), is prohibited by the Muhlenberg College Student Code of Conduct (“Student Code of Conduct”): [Student Code of Conduct](#). The College can, and will, impose disciplinary sanctions for violations. Students are also subject to city ordinances and state and federal laws.

The Muhlenberg College Drug-Free Workplace Policy Statement (“Policy”) addresses violations by College faculty and staff: [Drug-Free Workplace Policy](#)

The College strongly encourages students and employees to voluntarily obtain assistance for dependency or abuse problem before such behavior results in an arrest and/or disciplinary referral, which might result in their separation from the institution.

The use of, or addiction to, alcohol, marijuana, or controlled substances is not considered an excuse for violations of the Student Code of Conduct or staff expectations, and will not be a mitigating factor in the application of appropriate disciplinary sanctions for such violations.

Student Health Services and Human Resources Office staff will conduct awareness programs to inform employees of the dangers of drug abuse, the College's drug free workplace policy, available drug counseling, rehabilitation and other employee referral programs, and the penalties/sanctions that may be imposed on employees for drug abuse violations.

Help is available both on campus and within the community for students and College employees who are dependent on, or who abuse alcohol or other drugs. Although the College does not sponsor a formal assistance program for students, Student Counseling Services ([484-664-3178](tel:484-664-3178)) and Student Health Services ([484-664-3199](tel:484-664-3199)) are prepared to confidentially refer students to outside programs as they seek assistance with drug and alcohol counseling and rehabilitation.

The College offers an Employee Assistance Program through the Director of Student Counseling Services. Additionally, the Director of Student Counseling Services and the Vice President of Human Resources are prepared to confidentially handle referrals to appropriate programs for employees who seek assistance with drug and alcohol counseling and rehabilitation. Further, the health plan offered by the College to full-time employees provides a benefit for the treatment of drug abuse in a participating substance abuse treatment facility. These resources as well as other professional agencies will maintain confidentiality of persons seeking help for alcohol and other drug dependency and will not report them to College authorities. Referrals to outside agencies and services may be obtained upon request.

Student Sanctions: Alcohol and Other Drugs (AOD)

Students found in violation of the Muhlenberg College Student Alcohol Policy, [Student Alcohol Policy](#), Pennsylvania Laws and/or city ordinances will be subject to disciplinary action at the discretion of the Dean of Students. Each case will be handled individually and considered on its own merits, with consideration given to the severity of misconduct as well as prior violations. Underage consumption of alcohol, providing alcohol to underage students and others, the unlawful possession, use, or distribution of illicit drugs, and other violations of this policy will result in disciplinary actions as outlined in the Student Code of Conduct. Possible sanctions include, but are not limited to: warning, disciplinary probation, assignment to an education program, suspension or expulsion. The Dean of Students reserves the authority to exercise discretion in all disciplinary matters, giving consideration to the particular circumstances of each case. In addition, the Dean of Students or their designee may immediately suspend, without prior notice, a student from the College for an interim period whenever the Dean of Students or their designee determines that the continued presence of the student at the College poses a substantial and immediate threat to themselves or to others, or to the stability and continuance of College functions.

Students whose use of alcohol or drugs results in harm or the threat of harm to themselves or others, or to property, regardless of the location of the incident, may face disciplinary action by the College up to and including expulsion.

As members of the Muhlenberg College community, students are also subject to city ordinances and to state and federal law. Arrest and prosecution for alleged violations of criminal law or city ordinances may result from the same incident for which the College imposes disciplinary sanctions.

Employee Sanctions: Alcohol and Other Drugs (AOD)

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited at Muhlenberg College. Any employee violating this rule will experience disciplinary action. The College reserves the right to contact both state and federal offices charged with enforcing state and federal laws. Off-the-job illegal drug use which could adversely affect an employee's job performance or could jeopardize the safety of others

may result in disciplinary action, up to and including termination of employment. Employees undergoing prescribed medical treatment with a legal drug that may impair job performance should report this treatment to the Vice President of Human Resources. In appropriate cases, certain job accommodations may be necessary for the safety of the employee, students, the public and fellow employees. Failure to disclose such treatment where it may create a direct threat of harm may result in disciplinary action up to and including termination of employment. The use or possession of alcohol during the work day and reporting to work under the influence of alcohol are also violations of Muhlenberg College's Policy.

College employees found in violation of Drug-Free Workplace Policy Statement will experience disciplinary action which could include termination of employment. Possible sanctions include, but are not limited to:

1. Required counseling and participation in a drug abuse assistance or rehabilitation program, the cost to be paid by the employee.
2. Required counseling and suspension from work.
3. Any subsequent violation will result in suspension from employment for a period to be determined at the time of suspension.
4. Dismissal from employment.

As a condition of employment, employees must abide by the terms of the Policy requirements and must report to the Vice President of Human Resources, no later than five days after the conviction, that they have been convicted or have pleaded guilty or nolo contendere (no contest) under a criminal drug statute for conduct in the workplace.

Legal Sanctions under Federal, State, and Local laws

See *Appendix A. Pennsylvania and Federal Statutes/Sanctions, City of Allentown Ordinances/Sanctions*

****Students Please Note****

Denial of Federal Aid (20 USC 1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal work-study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Health Risks Associated with the Abuse of Alcohol or Illicit Use of Drugs

In addition to College disciplinary actions, criminal penalties, and workplace hazards, specific serious health risks are associated with the use of illicit drugs and alcohol. All drugs, including alcohol, can cause marked changes in behavior and have side effects. Their influences can affect the safety and well-being of the users as well as those around them.

Alcohol is a central nervous system depressant that is absorbed into the bloodstream and transmitted to all parts of the body. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that a driver will be involved in an accident. Low to moderate doses reduce physical coordination and mental alertness, while increasing the incidence of aggressive behavior. Moderate to high doses of alcohol cause marked impairment of higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden stopping of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the liver and brain.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other children of becoming alcoholics.

Illicit drugs, including but not limited to stimulants, depressants, hallucinogens, narcotics, or inhalants, can interfere with important brain activities, including coordination, memory, and learning. They increase the risk of lung cancer, destroy liver cells, initiate severe weight loss, and may weaken the immune system. Users may also experience abdominal pain, nausea, vomiting, rapid heartbeat, and irregular breathing. Convulsions, coma, and death are also possible. Combining drugs can be fatal.

The harmful effects of illicit drugs vary from substance to substance. The following is a summary of the effects of such substances by category:

1. **Narcotics:** Repeated use of narcotics such as opium, morphine, and heroin results in an increasing tolerance; the user must administer progressively larger doses to attain the desired effect, leading to dependence. Possible effects of using narcotics include euphoria, drowsiness, respiratory depression, constricted pupils, and nausea. Effects of overdose include slow and shallow breathing, clammy skin, convulsions, coma, and possible death. Withdrawal may lead to watery eyes, runny nose, yawning, and loss of appetite, irritability, tremors, panic, cramps, nausea, chills, and sweating.
2. **Depressants:** Depressants including barbiturates (e.g. Phenobarbital and Valium) and chloral hydrate have a potential for abuse associated with both physical and psychological dependence. The effect may vary from person to person and from time to time in the same individual/ Low doses produce mild sedation. Higher doses, in so far as they relieve anxiety or stress, may produce a temporary sense of well-being; they may also produce mood depression and apathy. Higher doses also result impaired judgment, slurred speech, and loss of motor coordination, disorientation, and the potential for dependence. The effects of overdose include shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, and possible death. Withdrawal may lead to anxiety, insomnia, and possible death.
3. **Stimulants:** Use of stimulants such as cocaine, methamphetamine and amphetamines may lead to a temporary sense of exhilaration, and excess of energy, hyperactivity, excessive wakefulness, and a loss of appetite. They may also lead to irritability, anxiety, and apprehension. These effects are greatly intensified with administration by intravenous injection, which may produce a sudden sensation known as a “flash” or “rush.” The protracted use of stimulants is followed by a period of depression known as “crashing.” Long term use can lead to brain damage. The effects of overdose include agitation, increase in body temperature, hallucinations, convulsions, and possible death. The effects of withdrawal include apathy, long periods of sleep, irritability, depression, and disorientation.
4. **Hallucinogens:** Hallucinogens, including LSD, peyote, and mescaline distort the perception of object reality. They induce a state of excitation of the central nervous system, shown by alterations of mood, usually euphoric, but sometimes seriously depressive. Other effects include hallucinations and poor perception of time and distance. Effects of overdose include longer, more intense “trip” episodes, psychosis, and possible death.
5. **Cannabis:** There are three drugs that come from cannabis: Marijuana, hashish, and hashish oil. The effects may vary from individual to individual. Low doses of these drugs tend to induce restlessness and a sense of well-being, followed by a state of relaxation. Changes in perception may lead to disorientation. Overdose may lead to fatigue, paranoia, and possible psychosis. Stopping usage may lead to insomnia, hyperactivity, and decreased apathy.

Source: US Department of Justice

For additional information on controlled substances and a more complete list of illicit drugs and their effects, please see US Department of Justice, Drug Enforcement Administration Resource Guide, “Drugs of Abuse,” 2017 edition:

https://www.campusdrugprevention.gov/sites/default/files/DoA_2017Ed_Updated_6.16.17.pdf

AOD Awareness and Prevention for Students

Muhlenberg College is committed to providing students with factual information about alcohol and other drugs as well as confidential referrals for professional assistance in the event that they are needed. An awareness of the

negative effects of alcohol consumption may assist students in their efforts to make safe and responsible choices. Educational programs will be organized and conducted annually to promote continued awareness and encourage an attitude of genuine concern and care for others, including bystander intervention training. Information concerning responsible use, effective party planning, indications of abuse or addiction, and resources for assistance are available in the Counseling and Student Health Centers. Our efforts at Muhlenberg College fall into four categories:

1. **Education.** We have programs beginning with the orientation of first year students and continuing throughout each academic year. The College requires all entering students to complete an educational program addressing risks associated with alcohol and drug use, risk-reduction strategies, College policies and resources. The program includes opportunities for self-reflection and goal-setting, as well as brief follow-up information and testing during the first semester of enrollment. Each student is also required to participate in the Foundations of Student Success course during their first year, and other educational programs occur throughout a student's career at Muhlenberg. These programs take the form of peer education efforts through Student Health and Counseling Services, initiatives by the Athletics, Fraternity & Sorority Life, and the Housing & Residence Life among others. Focused educational programs such as "Choices" and "Decisions" programs for students who violate Student Alcohol Policy are mandated as needed.

eCHECKUP TO GO at Muhlenberg College links:

Alcohol: <http://interwork.sdsu.edu/echeckup/usa/alc/coll/Muhlenberg>

Cannabis: <http://interwork.sdsu.edu/echeckup/usa/mj/coll/muhlenberg>

2. **Counseling.** We offer counseling programs for students that have alcohol or other substance abuse problems. These include both on-campus counseling services and referral to off-campus experts. The Counseling Center also has AOD information in its resource library, and the Health and Counseling Centers also offer passive programming such as newsletters, posters, and brochures related to AOD issues and risk reduction.
3. **Social Options.** The College, through the Office Student Engagement for Student Activities & Events and the student-run Muhlenberg Activities Council (MAC) provide alcohol-free activities and programs, including late-night events to offer highly interactive options for students.
4. **Process.** The College has well-established procedures to be used at student organization events where alcohol is served.
5. **Discipline.** There are consequences for individuals who violate the College's Alcohol Policy, Allentown City Ordinances or the Laws of the Commonwealth of Pennsylvania and the United States. RAs, the Student Conduct Officer and other adjudicators and administrators are trained to understand effective approaches to respond to student alcohol and other drug use. While policies are consistently enforced, interactions with students are seen as opportunities for education and reflection.

Available AOD Related Services- Lehigh County, Pennsylvania

Lehigh County Drug & Alcohol
Government Center
17 South 7th Street
Allentown, Pa 18101
(610) 782-3555

<http://www.lehighcounty.org/Departments/Human-Services/Drug-Alcohol>

Local Service Providers

Intervention:

Intervention encompasses the initial steps for drug and alcohol services. The goal is to assist the individual to recognize, to identify and to engage the problems related to substance abuse. Intervention services identify the fact that support is needed not only for the individual but also for their family environments.

Allentown Health Bureau provides confidential counseling and testing for HIV - the virus that causes AIDS - screening and treatment for sexually transmitted diseases, tuberculosis testing, Hepatitis B and C screening, Hepatitis B immunization and a wide range of STD and HIV/AIDS prevention education services.

245 North Sixth Street
Allentown, PA 18102
Phone: (610) 437-7760

Valley Youth House Family Intervention Program provides home- based services targeted at families in which children are at risk of maltreatment due to parental and/or child substance abuse and/or mental health problems. Intensive clinical intervention and case management include education on parenting skills, respite foster care, emergency shelter and medical.

531 Main Street
Bethlehem, PA 18018
Phone: (610) 954-9561

Lehigh Valley Drug & Alcohol Intake Unit provides information, assessment, and referrals for Lehigh County residents with a drug and/or alcohol problem.

29 South Law Street Third Floor
Allentown, PA 18101
Phone: (610) 432-2228

Prevention:

“Prevention promotes constructive lifestyles that discourage drug abuse and promotes development of social environments that facilitate drug-free lifestyles. As applied to alcohol, tobacco and other drugs (ATOD), prevention means keeping the many problems related to the use and abuse of these substances from occurring.” (CASP)

Student Assistance Program (SAP) is designed to assist school personnel in identifying issues including alcohol, tobacco, other drugs, and mental health issues which pose a barrier to a student's success. The primary goal of the Student Assistance Program (SAP) is to help students overcome these barriers in order that they may achieve, remain in school, and advance. For information, contact:

Lehigh County SCA
17 South 7th Street
Allentown, PA 18101
(610) 782-3556

Center for Humanistic Change provides educational programs to prevent substance abuse. Programs include: life skills for adults and youth, parenting education, violence prevention, alternative activities for teens and education targeted to avert drug and alcohol involvement. Programs and training are offered in the schools and community as classroom programs, small groups and one-time presentations. All center programs have one goal: to provide life skills training/education for healthy living.

2200 Avenue A Suite 106
Bethlehem, PA 18017
Phone: (484) 821-0375

Valley Youth House drug and alcohol prevention, education and information services are provided in the elementary, middle, high schools and in the community. Services are provided through both small group format and classroom presentation models with a focus on effective and factual education.

531 Main Street
Bethlehem, PA 18018
Phone: (610) 954-9561

Treatment:

Outpatient (OP) treatment is an organized, non-residential treatment service providing therapy in which the client resides outside the facility and commutes from their home.

Confront provides intensive outpatient and outpatient treatment services to adolescents, adults and families experiencing drug and/or alcohol problems.

1130 Walnut Street
Allentown, PA 18102
Phone: (610) 433-0148

New Directions Treatment Services, Inc. specializes in opiate addiction treatment. Services include methadone and detox, counseling in English and Spanish, outreach, HIV testing, pre- and post-test counseling, HIV/AIDS education.

2442 Brodhead Road
Bethlehem, PA 18020
Phone: (610) 758-8011

Step-By-Step, Inc. provides treatment to adults with substance abuse and mental illness. The program provides individual, group and family therapy and psychiatric services.

375 Linden Street (Basement)
Allentown, PA 18101
Phone: (610) 776-1224

White Deer Run, Inc. of Allentown provides intensive outpatient treatment and outpatient treatment to adults and adolescents for drug and/or alcohol abuse and gambling via individual, group and family counseling. DUI and aftercare group therapy is also available.

1259 South Cedar Crest Blvd. Suite 308
Allentown, PA 18103
Phone: (610) 432-5561

Riverside, Inc. - provides a full continuum of community-based outpatient services to treat behavioral problems associated with alcohol and drug addiction. Offering a variety of specialized client services, Riverside Care provides a high quality substance abuse treatment and co-occurring services to meet the specific needs of the individual.

44 East Broad Street, Suite 20
Bethlehem, PA 18018
610-868-0435

M.A.R.S., Inc. – provides intensive outpatient treatment to adults and adolescents for drug and/or alcohol abuse and gambling addiction via individual, group and family counseling.

2045 Westgate Road
Suite 301
Bethlehem, PA 18017
Phone: (610) 419-3101

APPENDIX A. Federal and Pennsylvania Statutes/Sanctions, City of Allentown Ordinances/Sanctions

Federal Drug Laws:

The possession, use, or distribution of illicit drugs is prohibited by federal law. Strict penalties are enforced for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

Denial of Federal Aid (20 USC §1091)

Under the Higher Education Act of 1998, students convicted under federal or state law for the sale or possession of drugs will have their federal financial aid eligibility suspended. This includes all federal grants, loans, federal

work-study programs, and more. Students convicted of drug possession will be ineligible for one year from the date of the conviction of the first offense, two years for the second offense, and indefinitely for the third offense. Students convicted of selling drugs will be ineligible for two years from the date of the first conviction, and indefinitely for the second offense. Those who lose eligibility can regain eligibility by successfully completing an approved drug rehabilitation program.

Forfeiture of Personal Property and Real Estate (21 USC §853)

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

Federal Drug Trafficking Penalties (21 USC §841)

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The following list is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe. If death or serious bodily injury result from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million. Persons convicted on federal charges of drug trafficking within 1,000 feet of a University (21 USC 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least 1 year.

| Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana) | | | | |
|---|---|--|---|--|
| Schedule | Substance/Quantity | Penalty | Substance/Quantity | Penalty |
| II | Cocaine: 500-4999 grams mixture | First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual. Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual. | Cocaine: 5 kilograms or more mixture | First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of |
| II | Cocaine Base 28-279 grams mixture | | Cocaine Base 280 grams or more mixture | |
| IV | Fentanyl 40-399 grams mixture | | Fentanyl 400 grams or more mixture | |
| I | Fentanyl Analogue 10-99 grams mixture | | Fentanyl Analogue 100 grams or more mixture | |
| I | Heroin 100-999 grams mixture | | Heroin 1 kilogram or more mixture | |
| I | LSD 1-9 grams mixture | | LSD 10 grams or more mixture | |
| II | Methamphetamine 5-49 grams pure or 50-499 grams mixture | | Methamphetamine 50grams or more pure or 500 grams or more mixture | |

| | | | | |
|--|--|--|--|---|
| II | PCP10-99 grams pure or 100-999 grams mixture | | PCP100 grams or more pure or 100 grams or more mixture | not more than \$20 million if an individual, \$75 million if not an individual. |
| | | | | |
| Substance/Quantity | | Penalty | | |
| Any Amount Of Other Schedule I & II Substances | | First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. | | |
| Any Drug Product Containing Gamma Hydroxybutyric Acid | | Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual. | | |
| Flunitrazepam (Schedule IV) 1 Gram | | | | |
| Any Amount Of Other Schedule III Drugs | | First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. | | |
| | | Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual. | | |
| Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam) | | First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. | | |
| | | Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual. | | |
| Any Amount Of All Schedule V Drugs | | First Offense: Not more than 1 yr. Fine not more than \$100,000. Please make 0 if an individual, \$250,000 if not an individual. | | |
| | | Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual. | | |

Pennsylvania Alcohol/Drug Offenses:

The following summary is provided to promote increased awareness of the Pennsylvania laws relating to unlawful possession, use, manufacture, or distribution of alcohol or drugs. This summary is not intended to be a restatement of the law nor a summary of all of the laws related to drugs and alcohol. All Muhlenberg College students are responsible for compliance with the state laws governing the use of alcohol and drugs. According to Pennsylvania Statute, the following actions involving alcohol and drugs are illegal and bring with them the penalty listed:

18 Pa.C.S. § 6307

Action: Misrepresentation of age to secure liquor or malt or brewed beverages.

Penalty: First Offense: \$500 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$500 fine and suspension of driving privileges for one year (2nd violation) or two years (three or more violations). Courts are not permitted to suspend sentences.

18 Pa.C.S. § 6308

Action: Purchase, consumption, possession or transportation of liquor or malt or brewed beverages by a person under twenty-one years old.

Penalty: First Offense: \$500 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$1,000 fine and suspension of driving privileges for one year (2nd violation) or two years (three or more violations). Parents are notified of all arrests of minors.

18 Pa.C.S. § 6309

Action: Representing that a minor is of age.

Penalty: Fine of no less than \$300 and no greater than \$2,500.

18 Pa.C.S. § 6310

Action: Inducement of minors (under 21) to buy liquor or malt beverage

Penalty: Fine of no less than \$300 and no greater than \$2,500. Courts are not permitted to suspend or reduce sentences.

18 Pa.C.S. § 6310.1

Action: Selling or furnishing liquor or malt or brewed beverages to minors. (Furnish means to intentionally and knowingly sells or intentionally and knowingly furnishes, or purchases with

the intent to sell or furnish, any liquor or malt or brewed beverages to a person who is less than 21 years of age.)

Penalty: First Offense: \$1,000 fine. Subsequent Offenses: \$2500 fine. Courts are not permitted to reduce sentencing.

18 Pa.C.S. § 6310.2

Action: Manufacture or sale of false identification card.

Penalty: First Offense: \$1,000 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$2,500. Courts are not permitted to suspend sentences.

18 Pa.C.S. § 6310.3

Action: Carrying a false identification card.

Penalty: First Offense: \$500 fine and suspension of driving privileges for 90 days. Subsequent Offenses: \$500 fine and suspension of driving privileges for one year (2nd violation) or two years (three or more violations.) Courts are not permitted to suspend sentences. Parents are notified of all arrests.

18 Pa.C.S. § 6310.4

Action: Violation of 6307, 6308, 6310.3

Penalty: Suspension of operating privileges.

18 Pa.C.S. § 6314

Action: Trafficking of drugs to minors (under 18).

Penalty: Fine from \$5000 to \$250,000; imprisonment from 1 to 15 years, depending on offense.

35 Pa.C.S. §§ 780-101-144

Action: Illicit manufacture, sale delivery, possession of controlled substance.

Penalty: Fines from \$5000 to \$250,000; imprisonment of 1-15 years depending on offense.

42 Pa.C.S. §§ 6801-6802

Action: Illicit manufacture, sale delivery, possession of controlled substance.

Penalty: Loss of property rights to Commonwealth of all controlled substances, paraphernalia, raw materials, conveyances, money, negotiable instruments and real property acquired in violation of the Controlled Substance, Drug, Device & Cosmetic Act, 35 Pa. C.S. §780-101-144, above.

75 Pa.C.S. §§ 1546-1547

Action: Consumption of alcohol while driving

Penalty: Chemical testing of operator's alcohol level; suspension or revocation of operating privileges of drunk drivers. Fine.

75 Pa.C.S. § 3715

Action: Consumption of alcohol while driving

Penalty: \$300-5000 and imprisonment from 48 hours to 1 year; suspension or revocation of operating privileges.

NOTE: If a fatality occurs in an accident as a direct result of D.U.I. there is a mandatory 3 years imprisonment. In addition, Pennsylvania may impose "social host" liability on persons who serve or whose premises have been used to serve alcohol to minors.

City of Allentown Ordinances Regarding Alcohol

Article 741.08

Action: Consumption of Alcohol on Streets and Sidewalks

Penalty: Violation tickets may be issued in the amounts of \$25 or \$100.

Firearms and Weapons Policies

The DCS is committed to maintaining a safe and secure environment that supports the academic mission of Muhlenberg College. According to the *Firearms and Other Weapons* policy, members of the campus community, including faculty, staff, and students, as well as visitors to the campus, are prohibited from possessing firearms, explosives, weapons, or any item that may be construed as such, on the premises of Muhlenberg College or in any building under the College's control, whether or not a federal or state license to possess the same has been issued to the possessor. These restrictions apply to all students, staff, faculty, vendors, contractors, and visitors with the exception of law enforcement and Campus Safety officers and extend to all College buildings, grounds, parking lots, College owned or leased properties and College owned vehicles. Exceptions to this policy must be approved in writing by the President or the Director of Campus Safety.

There are some limited exceptions to this policy; for example certified and licensed law enforcement personnel who are authorized to carry a firearm are permitted to do so, on campus property. The possession or use of any potentially dangerous item or material is strictly forbidden in College housing (i.e. residence halls, MILE properties, properties leased by the College, fraternity and sorority houses) and/or on campus. Such items are subject to confiscation and the bearer to disciplinary action.

Prohibited items include firearms, ammunition, air-guns, airsoft, (BB/pellet), any bombs, grenade, blackjack, metal knuckles, spring type weapons, slingshots, martial arts weaponry, knives with a blade over three inches in length

(does not pertain to common eating utensils), swords, switchblades, daggers, darts, dart boards, paintball guns, simulated weapons altered to appear as an actual firearm, stun guns, stun batons, taser or any other electronic or electric weapon, whips, or other implement for the infliction of serious bodily injury which serves no common lawful purpose. Weapons used for theatrical productions must be disarmed and remain in the theater and safeguarded according to the security provisions of the Department of Theatre & Dance

All members of the campus community should refer to the *Firearms and Other Weapons* policy, which is available on the Dean of Students website at:

[Firearms and Other Weapons Policy](#)

Muhlenberg College does not tolerate the use of firearms or weapons on college owned, controlled, or leased properties. The DCS has and will continue to investigate any threat to the safety of the campus community in order to protect all members of the community and their guests.

Anyone found violating the *Firearms and Other Weapons* policy shall be subject to the disciplinary policies and procedures applicable to students, faculty, or staff and/or criminal prosecution by the appropriate jurisdiction

[Pennsylvania Crimes Code Title 18 links: Title 18 - CRIMES AND OFFENSES](#)

Emergency Medical Response Procedures

Students, faculty, staff, and guests should report any emergency medical situations to DCS immediately at extension 3110 or, from outside the campus phone system, (484) 664-3110. The dispatcher will send DCS officers to the location and assess the incident. The DCS officer may request (if on duty) on-call members of the Muhlenberg College Emergency Medical Service (MCEMS) to the scene. MCEMS is a Quick Response Emergency Medical Service with trained emergency responders and provide quality emergency medical services in a variety of settings, including campus coverage and special events. The individual, to whom the DCS responded to, may be placed in contact with a nurse from the Student Health Services. If the individual requires and/or requests care beyond that which can be rendered by the officer, nurse, and/or MCEMS, the individual may be transported to the hospital or doctor's office by an DCS officer, a college van driver, or ambulance.

Statistical Disclosure of Reported Incidents

Incidents reported to DCS that fall into a required reporting classifications, will be disclosed as a statistic in this annual brochure published by the DCS.

Crime Statistics

The information below provides a context for the crime statistics reported as part of compliance with the Clery Act.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the campus community obtained from the following sources: the Department of Campus Safety (DCS), the Allentown Police Department (APD), and non-police officials (as defined below). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all Campus Deans, Directors, and Department Heads. Statistical information is requested and provided to DCS by the employees at the Counseling Center and the Student Health Center, even though they are not required by law to provide statistics, for the compliance document.

All of the statistics are gathered, compiled, and reported to the campus community via the DCS Web Page. DCS sends a postcard to every enrolled student and current employee on an annual basis. The postcard includes a brief summary of the contents of the annual report contents. The postcard also includes the address for the DCS website <https://www.muhsenberg.edu/main/aboutus/campus-safety/> where the report and other information regarding the department can be found on-line. A hard copy of the Annual Security and Fire Safety report may be obtained by contacting the Department of Campus Safety. The compliance document is available for review 24-hours a day on the DCS website at: <http://www.muhsenberg.edu/annalsecurityreport>.

The DCS submits the annual crime statistics to the Department of Education (ED). In addition to reporting crimes to ED, DCS submits annual crime statistics to the PA State Police for inclusion in UCR reporting. The statistical

information gathered by the Department of Education is available to the public through the ED website.

Pennsylvania College & University Information Act Crime Rates

The Pennsylvania College and University Security Information Act requires the release of crime statistics and rates to students and employees. The rate is based on the actual number of Full Time Equivalent (FTE) students and employees which is calculated according to the following state mandated formula. The formula is the number of FTE students for the fall semester plus the number of FTE employees, (which is the sum of full time employees, plus one half the numbers of part time employees). The FTE for both students and employees is combined for a total FTE. The rate is obtained by dividing this figure into 100,000 and multiplying the quotient by the individual statistics to produce the crime rate per 100,000 persons in each category.

Specific Information about Classifying Crime Statistics

The following statistics are published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and the relevant federal law (the Clery Act).

The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Sex Offenses (Rape, Fondling, Incest & Statutory Rape), and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart.

In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.

In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics.

The statistics captured under the "Referred for Disciplinary Action" section for Liquor Law, Drug Law, and Illegal Weapons violations indicates the number of people referred to the Dean of Students for violations of those specific laws.

The statistics in the Hate Crime chart are separated by category of prejudice. The numbers for most of the specific crime categories are part of the overall statistics reported for each year. The only exceptions to this are the addition of Larceny/Theft, Simple Assault or other bodily injury, and Intimidation, which are not already included in the required reporting categories. If a hate crime occurs where there is an incident involving Intimidation, Vandalism, Larceny, or Simple Assault or other bodily injury, the law requires that the statistics be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document. Note: A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's race, sexual orientation, etc., the assault is then also classified as a hate/bias crime.

Statistics for "Residential Facilities" are also counted in the "On-Campus" crime category. The law requires institutions to break out the number of "On-Campus" crimes that occur in residential facilities.

The crime statistics for residence halls that are located outside the campus boundaries but are reasonably contiguous to the campus (2442 Tilghman Street, Sigma Phi Epsilon Fraternity, and Phi Kappa Tau Fraternity) are captured in the "On-Campus" category.

Clery Offenses:

Criminal Homicide-Murder and Non-negligent Manslaughter:

- The willful (non-negligent) killing of one human being by another

Criminal Homicide-Manslaughter by Negligence:

- The killing of another person through gross negligence

Sex Offenses:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- **Incest:** 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.

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

Burglary:

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

Motor Vehicle Theft:

- The theft of attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)

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.

Hate Crimes: (Include All above Clery Offenses) and in addition:

- Larceny-Theft, simple assault, intimidation, destruction/damage or vandalism of property.
- Race, gender, gender identity, religion, sexual orientation, ethnicity, gender identity, national origin or disability.

Violence Against Women Act**Dating Violence:**

- Violence committed by a person, who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship and frequency of the interaction of the persons involved in the relationship.
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

- Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting

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 in which the crime of violence occurred, 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 violent crime occurred.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition-

- Course of conduct means two or more acts, including, but not limited to, acts in 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.
- For the purposes of complying with the requirements, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Offense Definitions (in addition to the Clery Offenses) relating to Hate/Bias Related Crime

Simple Assault:

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

Intimidation:

- To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Larceny/Theft:

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

Vandalism:

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

Other Crimes:

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; all attempts to commit any of the aforementioned.

Drug Abuse Violations:

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

Liquor Law Violations:

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

Geography definitions from the Clery Act

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

Non-Campus Building or Property-Defined as: (1) any building or property owned or controlled by a student organization that is officially recognized by the institution; or

(2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

The crime statistics submitted to ED do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries. The crime statistics reported to the PA State Police include all crimes reported to the Department of Campus Safety even those occurring in privately owned or rented homes or businesses within or adjacent to the campus boundaries.

Annual Fire Safety Report

Muhlenberg College Department of Campus Safety and Police (Campus Safety), along with Plant Operations, oversee and/or regularly inspect, test and maintain College premises to ensure compliance with applicable fire and life safety codes and standards.

Campus Safety conducts one regular egress drill, per each academic semester, in each student residential facility, and provides educational and training programs in fire safety and prevention techniques for students, faculty and staff. All residence halls meet or exceed local and national fire safety codes and are equipped with modern fire alarm systems including smoke detectors and sprinkler systems.

If a fire occurs in a Muhlenberg College property, community members should immediately notify Campus Safety at (484) 664-3110. Campus Safety will initiate a response and can summon the fire department quickly through established communication systems. If a member of the community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Safety has already responded, the community member should immediately notify Campus Safety to investigate and document the incident.

The fire alarms alert building occupants of potential hazards, and occupants are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Community members should familiarize themselves with the exits in each building. The Fire Marshall and/or Campus Safety can levy fines and penalties to individuals who fail to evacuate a building promptly – but a more important reason for evacuating is for safety reasons!

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus ring to the Campus Safety dispatcher.

Fire Safety is of primary importance to Campus Safety and to all members of the campus community. Campus Safety and Plant Operations staff are trained in the use of on campus fire equipment. Fire drills are conducted regularly in all residential facilities. Officers go through the building during a fire drill for proper working of all equipment and to make sure that the building has been evacuated. The fire extinguishers in each facility are checked on a monthly basis by an outside company. All residential and academic buildings are equipped with smoke detectors and/or other emergency fire equipment. Fire safety and security procedures are reviewed at the beginning of each academic year. Safety and security awareness programs, including fire safety, are made available to students. In addition, the Allentown Fire Department regularly inspects all campus facilities and non-College owned fraternity houses to assure fire code compliance. The department does quarterly inspections of all Greek facilities as part of the Greek accreditation process. In addition, the department patrols campus facilities during break to identify fire safety issues. All residence hall fire systems are checked every six months by Johnson Controls. Academic buildings are checked yearly by Johnson Controls. Sprinkler systems are checked yearly and are coordinated with Plant Operations. Muhlenberg College has installed, through Plant Operations, carbon monoxide (CO) detectors in all of our M.I.L.E. properties. The CO detectors are maintained and checked for battery life by the Plant Operations staff. This is to be done on a regular basis.

Campus Safety publishes this fire safety report as part of its annual Clery Act Compliance document, via this publication, which contains information with respect to the fire safety practices and standards for Muhlenberg College. This report includes statistics concerning the number of fires, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. A fire is defined as “any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.” The statistics compiled are for on-campus student housing facilities and are classified as unintentional fires, intentional fires, and undetermined fires. Unintentional fires are fires further classified by causes that include cooking, smoking material, open flames, electrical, heating equipment, hazardous products, machinery/industrial, natural, and other. Each fire statistic includes the number of deaths or injuries resulting in treatment at a medical facility as related to the fire, along with the value of property damage related to the fire.

The compliance document is available for review 24-hours a day on the DCS website at:

<http://www.muhlenberg.edu/annualsecurityreport>.

Fire Alarm and Suppression Systems

All on-campus residence halls are equipped with fire alarm and sprinkler systems which meet and in many cases exceed state and local building and fire safety codes. The fire alarm systems in all on-campus residence facilities consist of horns, bells, and/or strobe lights alerting residents to an alarm and are also remotely monitored at the DCS Communication Center via computer-enhanced campus-wide alarm monitoring system. A majority of campus buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by the DCS dispatcher. On-campus residence halls are also equipped with a suppression and sprinkler system, a reportable addressable fire system, heat sensors and CO detection. All hallways have fire-rated smoke/fire doors designed to impede the spread of smoke and fire. All Muhlenberg Independent Living Experience (MILE) homes

all have addressable reportable fire systems, smoke and heat detectors and CO detection.

Regular and frequent inspections are conducted by DCS, Housing & Residence Life and Plant Operations staff who report fire hazards in residence halls to facilitate prompt resolution. Upon receipt of a fire alarm, an officer is immediately dispatched to the alarm location to determine the cause of the alarm and necessary response to the alarm. In situations where multiple devices are activated in one facility or in any alarm occurring between midnight and 8 a.m. DCS immediately notifies the Allentown Fire Department to respond. Muhlenberg College has a variety of on-campus housing configurations, including traditional dormitory style buildings, former apartment buildings acquired and renovated by the College, residential housing units, and newly-constructed apartment style and suite style facilities. Each facility is equipped with the fire and life safety systems required by the building codes. More extensive fire sprinkler systems than required by building codes have been installed in older facilities. Fire safety equipment is reviewed regularly to identify locations where enhancements such as additional upgrading fire panels, sprinkler, smoke, and carbon monoxide detection systems beyond those required by building codes are appropriate and plans for such enhancements are integrated into the college's annual facilities maintenance project plan. Refer to the Fire Safety Amenities chart in this publication for information about fire detection, notification, and suppression systems in each residential facility.

Health and Safety Inspections

HRL performs Residence Hall Health and Safety Inspections seven times a year, four times in the fall and three times in the spring. Inspections are conducted prior to the start of the fall semester and upon closing before each scheduled academic break. With the exception of the first inspection prior to the fall semester, all inspections are announced to the residents prior to the break. The inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Housing Contract and the Student Information and Resource Guide:

[College Housing and Lease Policy](#)

[Student Policy and Resource Guide](#)

Which include all rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers and other life safety systems. DCS participates in quarterly inspections of all fraternity/sorority facilities as part of the fraternity/sorority accreditation process in conjunction with HRL and Plant Operations.

In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.). This inspection will also include a general assessment of food and waste storage and cleanliness of the room. Prohibited items will be brought to the attention of DCS to be disabled, confiscated, or discarded. In some instances, confiscated or discarded items are not returned and are removed without reimbursement. Confiscated items may be returned to the owner for removal from campus residence at the discretion of DCS or other campus officials.

Fire Safety Tips

Buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire.

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells of residence halls, are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping.
- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of the College Fire Safety Rules and Regulations.

- Almost $\frac{3}{4}$ of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED in any Muhlenberg College property.

A daily fire log is available for review 24-hours a day at the DCS in Prosser Hall, from 9 a.m.–5 p.m. Monday through Friday, excluding holidays. The information in the fire log typically includes information about fires that occur in residential.

Policies on Rules for Restricted Items, Smoking, Open Flames and Item Placement

Students are expected to be alert at all times to the hazards and dangers of fire in their area and to exercise all proper precautions to prevent fire, notify proper authorities of any potential fire and safety hazards, and promptly report a fire. Students are expected to help prevent false alarms and should report any tampering with the alarm system to Campus Safety.

Flammable substances and solids, such as gasoline, paint, benzene, naphtha, cleaning fluids, explosives, charcoal lighter fluid, chemicals and fireworks may not be used or stored in the residence halls. Lighted candles, incense, kerosene lamps and/or heaters, halogen lamps, multi-bulb lamps, homemade TV and radio antennas and student installed electric heaters may not be used in the residence halls.

Only appliances approved by Underwriters Laboratories (UL) are permitted within the residential facilities. ALL COOKING MUST BE CONFINED TO DESIGNATED COOKING AREAS. Use of electrical appliances such as hot plates, heating coils, coffee pots, popcorn poppers, electric frying pans, toaster ovens, irons, and electric heaters are prohibited in student rooms and common lounges without kitchens. All appliances must be UL approved with UL approved cords. Low wattage electrical equipment and attached cords must also be UL approved. The College reserves the right to determine the danger of electrical appliances and remove them. If the College determines a cooking item is being used in areas other than designated cooking areas the item may be confiscated. Residents are reminded to use extension cords only if they bear the UL label, never to run cords under rugs or across doorways, and to use cords appropriately designed for the electrical load. Any additional lighting (i.e. Christmas lights) must be UL approved with proper installation and approved by Plant Operations, Campus Safety and/or Housing & Residence Life. No lights may be strung from any pipes or fire/safety equipment.

Storage or placement of any items (including trash, bicycles, boxes, furniture, etc.) in public areas such as corridors, stairwells, or balconies is prohibited. Items placed or stored in public areas will be removed by the College with a charge for their release. Items may not be left outside residence buildings at any time (i.e. trash cans).

All decorations used in corridors or public areas shall be flameproof or fire resistant materials. The College reserves the right to remove any and all decorations that do not comply. Spray painting or use of flammable paint products in residence halls is prohibited.

Hanging of cloth material along walls is discouraged for safety reasons. No material or paper may be draped or affixed overhead or from ceiling pipes.

Section and fire doors are to remain closed at all times. Residents of the section will be held responsible when the doors are blocked or propped open. A door will be considered propped if there is any physical obstruction (such as tape, stones, cardboard, trash cans, etc.) which prevents it from closing or locking.

No storage of any type of gas powered vehicles inside residence halls or enclosed areas.

Use of charcoal or propane grills is permitted, however the grill must be at least 15 feet from any structure. Use of open flame (i.e., non propane fire pits) is prohibited within the city of Allentown without obtaining proper permits. Use of fireworks is strictly 91 - prohibited on any college property.

All college facilities are smoke-free. Smoking is permitted outside but must be at least 15 feet from the building and entrances. Smoking devices should be properly extinguished and discarded in ashtrays.

Any violation of the above fire prevention regulations may be subject to disciplinary action and/or fines.

All members of the campus community should refer to the *Fire Safety Rules and Regulations*, which is available on the Dean of Students website at: [Fire Safety Rules and Regulations](#)

Fire Safety Training and Evacuation Plans for Residence Hall Staff and Residents

DCS provides training for all new Employees upon employment and Residence Assistants during the annual RA training prior to the beginning of the academic year. This training specifically addresses the College Emergency Egress and Evacuation Plan and includes instructions that all residents and staff are to evacuate immediately upon activation of any fire alarm. In turn, Resident Assistants then address the Emergency Egress and Evacuation Plan with the student residents and instruct them to evacuate immediately upon activation of any fire alarm. Students are instructed to immediately exit the building in an orderly manner upon activation of the fire alarm system by using the nearest available stairwell that can be accessed safely.

The DCS regularly reviews evacuation plans for all on-campus residence halls and post updated evacuation plans for each on-campus residence hall on the inside of the residence hall room doors annually.

Fire egress drills are scheduled at least once each semester and include guidance from DCS staff and Housing & Residence Life staff so evacuating residents know where to safely assemble once outside the building.

Evacuation Staging

In some instances, the occupants of a campus building may be instructed to a gathering location for each building. The gathering locations are as follows:

1. Prosser Hall – Prosser Parking Lot
2. Brown Hall – Brown/Taylor Mall Area
3. Walz Hall – Soccer Field (south end)
4. Taylor Hall – Brown/Taylor Mall Area
5. Martin Luther Hall – East Quad by East Hall/Basketball Courts
6. East Hall – Chapel Lawn area
7. Benfer Hall – Parking lot area behind Center for the Arts/Pavillion
8. Village – front Yard of building, or Village parking areas
9. MILE Houses and Special Interest houses – Front Yards
10. Robertson and South Halls – Handicap parking Area for Trexler Pavilion, Robertson/South parking lot
11. All Academic buildings on the North side of Chew Street – Front Lawn ,with the exception of New Science – Brown Mall
12. Haas College Center- Front Lawn, Back Parking Lot
13. Seegers Union, Chapel – Front Lawn
14. Trexler Library – Lawn west of the building
15. Center For The Arts – Rear patio Area
16. Trexler Pavilion – Front handicap parking area
17. Rehearsal House- Parking lot
18. Hillel/Sociology Anthropology – Leh Street parking area
19. 2252 Chew Street- Parking area west of property
20. Memorial Hall/Life Sports Center – Football Stadium
21. Plant Operations/Mailroom – Back drive parking area
22. 2201 Chew Street/ Sorority's - Rear Parking lot of buildings
23. On-campus evacuation and relocation sites are as follows:
 - a. Any facility west of the College Center – Seegers Union
 - b. Any facility from the College Center and east of the College – Life Sports Center Field House
 - c. Any facility South of Chew Street – Center For The Arts Empie Theatre
 - d. Life Sports Center – Moyer Hall Forum
 - e. Center For the Arts – Trexler Library

Off-campus/Mile House evacuation and relocation sites will be determined at the time of the emergency.

Fires in On-Campus Residential Facilities

The receipt of fire alarms by the college's automatic alarm system or by persons who report the presence of smoke; results in an immediate response by DCS staff to investigate the cause of the alarm. An incident report is generated for all activations of the fire alarm not associated with the fire egress drills and a detailed record of the

fire is maintained. A record of all reports is also included in the public log of crimes and other incidents maintained by the DCS, which is available for public viewing during normal business hours.

Fires on Campus

If any member of the Muhlenberg College community finds evidence of a fire that has been extinguished, and the person is not sure whether DCS has already responded, the community member should immediately notify DCS to investigate and document the incident. Such reports also result in an investigation and an entry being made in the public log.

Fire Safety Future Improvement Plans

The College recently completed the final phase of our fire panel upgrade in our MILE house area. This along with a planned future upgrade will improve our addressable system from an antiquated copper line dial up system to a fiber reporting system. We are also in the process of updating our current sprinkler system to a dry pipe system.

Statistical Reporting Included in This Report

The following pages include statistical information for the following categories:

1. 2019 Uniform Crime Report (UCR) Crime Statistics
2. 2017-2018 Uniform Crime Report (UCR) Crime Statistics
3. 2017-2019 Clery Reportable Criminal Offenses; On-Campus, Non-Campus, Public Property
4. 2017-2019 Arrest, Referral, VAWA, Hate Crimes
5. UCR Return A - Monthly Return of Offenses Known Part 1
6. UCR Return A - Monthly Return of Offenses Known Part 2
7. 2017-2019 Information Regarding Fires in Residential Facilities