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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.muhlenberg.edu/annualsecurityreport

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

https://www.muhlenberg.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/annualsecurityreport.

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/annualsecurityreport.

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

We make every 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 detain individuals until such time as local law enforcement arrives to affect an arrest. DCS officer do not
make criminal arrests, in that all violations are either referred to the College Judicial Officer, or if a criminal arrest 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.

Allentown Police Officers and contracted security agencies are utilized as a supplement to the DCS at various times of the year including Thursday, Friday and Saturday evenings, providing a visible 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 facility equipped with card access on exterior doors are secured by automatic door closures. Facilities (such as 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 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. Reports of sexual misconduct, intimate partner violence, stalking, and retaliatory harassment 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

If you are the victim of a crime and do not want to pursue action within the college disciplinary system or the criminal justice system, you may still want to consider making a 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 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 reporting options below, but we recognize that individuals may choose to make a report of prohibited conduct to any College employee. With the exception of confidential resources, 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 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 Egner 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
- Plan implementation - November 2019

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.

Sex Offenses and Offenders
Members of the Muhlenberg College Community, guests, and visitors have the right to be free from sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College believes in a zero tolerance policy for sexual misconduct.
The Muhlenberg College Nondiscrimination and Equal Opportunity Policy (EO Policy) identifies prohibited behavior for two important reasons: first, so that victims of prohibited behavior can easily recognize what happened to them as sexual misconduct and comfortably seek assistance; and second, so that all students are aware of these expectations and can make appropriate decisions, knowing there will be consequences for violating the policy.

Muhlenberg College offers programs and training to promote awareness and/or prevention of rape, acquaintance rape, and other sex offenses. First year student orientation includes an online sexual assault awareness/prevention program and a presentation on high-risk behavior, sexual assault, the issue of consent, and bystander intervention. During orientation, first year students also attended a mandatory training called “Sex Signals” that covered acquaintance rape and consent, and bystander intervention for the prevention of sexual assault. During the academic year, programs on acquaintance rape, self defense, assertiveness, and bystander intervention are offered through formal residence hall programming, through Pledge Plus for fraternity/sorority members, and at supplemental programs sponsored by Campus Safety, Athletics, and other offices. Training in awareness of, sensitivity to, and procedures to follow upon receiving a report of a sexual offense is provided to appropriate college staff. The DCS also has a safety pamphlet available to all students, which specifically addresses how to report a sexual assault and the assistance available from the DCS and the Counseling Center. Similar posters are placed in prominent locations all over campus. The Counseling Center and Student Health Services provide additional literature on acquaintance rape education, risk reduction, reporting options for sexual assault victims, and College response. All victims are given (in writing) Muhlenberg’s Equal Opportunity and Nondiscrimination Policy and Procedures which explains the College’s policy on sexual misconduct, intimate partner violence, and stalking; options, definitions of consent and incapacitation, interim measures, and College procedures for addressing such conduct. This Policy is publicly available to all students at various locations throughout the Campus.

The Director of Campus Safety and the Director of Equity and Title IX provide in person training on campus on mandatory reporting and CSA requirements and definitions, and the College policies related to those topics, to existing staff and faculty, as well as to new employees during Orientation. Staff and faculty are also informed of resources on campus to address any incidents involving faculty and staff, including Campus Safety, the Office of Equity and Title IX, the Vice President of Human Resources, and the Provost, as appropriate. Confidential resources on campus for faculty and staff include the College Chaplain and the Jewish Chaplain. An Employee Reporting Resource Guide for faculty and staff is also available from: Human Resources. In addition, Human Resources provides the Employee Resource Guide, in writing, to all new employees during the onboarding process and distributes it to any victim who comes forward with a report.

Muhlenberg College’s Equal Opportunity and Nondiscrimination Policy prohibits sexually violent acts, termed “Sexual Misconduct” by the College, which can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal/relationship violence, stalking, and sexual harassment. While Muhlenberg College utilizes different standards and definitions than the Pennsylvania Crimes Code, sexual misconduct often overlaps with the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence. Victims of these behaviors are protected by federal laws, specifically Title IX, VAWA, and the Clery Act, which mandates the contents of this report.

Sexual Misconduct, Intimate Partner Violence, and Stalking

In November 2018, the College adopted a new policy that equally applies to all students, faculty, and staff, named the Equal Opportunity and Nondiscrimination Policy, which covers sexual misconduct, intimate partner violence, and stalking conduct in addition to other forms of discrimination and harassment. The policy can be found here:

- Equal Opportunity Nondiscrimination Policy

Members of the Muhlenberg College community, guests and visitors have the right to be free from all forms of discrimination based on sex and gender, examples of which may include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of sexual or gender-based misconduct is reported, and a student or employee is found to have violated applicable policies, serious sanctions will be used to reasonably ensure that such actions are never repeated. Muhlenberg College has developed a policy and procedures to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. These policies are intended to define community expectations and to establish a process for determining when those expectations have not been met.
Some conduct prohibited by the College may also be crimes under Pennsylvania law. The College can assist a victim with reporting criminal activity to law enforcement authorities and provide assistance with obtaining civil protective orders, or taking other legal action.

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.

Policy Definitions

Sexual Misconduct

The College has defined categories of sexual misconduct, as stated below, for which action under this EO Policy may be imposed. Generally, the College considers Sexual Misconduct to be one of the most serious violations under this EO Policy, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees, when violations are found.

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

Sexual misconduct occurs when a sexual act is perpetrated without consent. Sexual misconduct includes non-consensual sexual contact, non-consensual sexual intercourse, and sexual exploitation, which is further defined below.

Non-Consensual Sexual Contact is defined as:

- Intentional,
- sexual touching,
- however slight,
- with any body part or object,
- by a person upon another person,
- without consent.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Non-Consensual Sexual Intercourse is defined as:

- any sexual penetration or intercourse (anal, oral or vaginal),
- however slight,
- with any body part or object,
- by a person upon another person,
- without consent.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Sexual Exploitation is defined as a situation in which a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise fall within the definition of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact.

Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person(s) being observed).
• Taking pictures or video or audio recording another in a sexual act or in any other private activity without the consent of all involved in the activity.
• Exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity.
• Sharing, showing, or distributing (in any form) sexual or sexualized pictures or videos of an individual(s) without that individual’s express permission.
• Engaging in or forcing or coercing another to engage in prostitution.
• Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person.
• Administering alcohol or drugs (such as “date rape” drugs) to another person without their knowledge or consent (even if the sexual or intimate act is not completed).
• Exposing one’s genitals in non-consensual circumstances or forcing or coercing another to expose their genitals.
• Possessing, distributing, viewing or forcing others to view illegal pornography.
• Sexually-based stalking and/or bullying may also be forms of sexual exploitation.
• Consent is defined as clear, knowing, and voluntary consent 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 is unreasonably pressured for sexual or intimate activity. Coercing someone into sexual or intimate activity violates this EO Policy in the same way as physically forcing someone into sex.

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.

**Intimate Partner Violence (Dating or Domestic Violence)**

Intimate partner violence includes any act of physical violence or threatened physical violence against a person who is, or has been involved in, a sexual, dating, domestic or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior. Intimate partner violence includes, but is not limited to, threats, assault, property damage, violence or threat of violence to one's self, one's sexual or romantic partner, or to the family members or friends of relationship partner.

Other types of abusive behavior such as verbal, emotional, psychological, and economic abuse while not covered in this definition may otherwise be a policy violation under the Student Code of Conduct, Administrative Staff/Service Personnel and Manager Handbooks, or Faculty Handbook. Such incidents will be referred to the appropriate College official as necessary, and information regarding support resources will be provided as well.

**Dating violence** is physical violence or threatened physical violence 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.

**Domestic Violence**

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.

**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.
Retaliatory Harassment

Retaliatory harassment is any negative or adverse action taken against a person participating in action under this EO Policy ("Protected Activity") because of their participation in that Protected Activity. Retaliation against an individual for taking action under this EO Policy is a serious violation of this EO Policy and will be treated as an additional possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Director of Equity and Title IX or designee. The College may take appropriate steps to protect individuals who fear that they may be subjected to retaliation during their participation in a Protected Activity.

Resource Information Provided to Victims/Survivors

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) 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. 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 have an incident investigated by the College, students should contact the Title IX Coordinator or Campus Safety, and College procedures will be explained. Employees should contact the Title IX Coordinator, The Vice President of Human Resources, or the Provost. Those who would like to file a criminal complaint should contact Campus Safety or local police 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 to assist them in obtaining such protective orders. Crime Victims Council* of the Lehigh Valley can also provide this service and provide advocacy by accompanying victims to Court and guiding them through the process. If external orders of protection are obtained, please notify Campus Safety or the Title IX Coordinator so that these orders can be observed on campus. You may also visit the Pennsylvania Coalition Against Rape (PCAR) website to review your options: http://www.pcar.org/search-synonyms/civil-protection-orders

The College will take whatever actions it deems necessary and may offer interim measures in order to protect a student's rights and personal safety, regardless of whether or not the student wishes to pursue a formal complaint. Such 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. The Title IX Coordinator is able to connect students to College resources to discuss these steps and obtain the relevant information and assistance to proceed.

Reporting Statement Regarding Privacy and Confidentiality

Reports of alleged violations of this EO Policy are to be made to the Director of Equity and Title IX and/or designee(s). 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 protected class discrimination, harassment, sexual misconduct, intimate partner violence, stalking, retaliatory harassment, and crimes that they become aware of to the Equity and Title IX Office and Campus Safety (see Section IV.h. above). 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. Formal reporting means that 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
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
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 has jurisdiction over complaints based on Title IX and may take disciplinary action against a respondent who is a current student or employee. Disciplinary action against a respondent may only be taken through one of the College’s resolution procedures. Because the relationship of students, staff, and faculty to the College differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under as outlined in the EO Policy.

Procedures for Resolution of Complaints Against Students

Student EO Complaint Resolutions

The procedures described below will apply to any allegations that have been made against a student under the EO Policy.

A. Intake Process

Once on notice of an alleged violation of the EO Policy, the Director of Equity and Title IX 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 Director of Equity and Title IX and VPSA shall also determine whether any 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 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. 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 will discuss the matter with the VPSA to determine whether the College will move forward as the Complainant.

iii. 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 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.

iv. If a Complainant chooses to move forward with a Complaint, the Complainant will be presented with formal or 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, 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. below).

B. Informal Resolutions

i. Early Resolution

In certain cases typically involving minor allegations\(^1\) that may or may not be reported, the parties may voluntarily agree to use educational conversations or other methods of resolution to resolve the matter. Examples might include where the Complainant addresses conduct with the Respondent and the Respondent acknowledges that a minor behavior alteration, e.g., a student agreeing to stop asking another student out on a date; a student agreeing to stop writing sexist jokes on another student’s whiteboard, will address the behavior sufficiently.

If conduct is reported and the allegations are similarly minor, the Director of Equity and Title IX and/or the VPSA, or designees, shall discuss such early resolution options with the Complainant.

ii. Conflict Resolution\(^2\)

Conflict resolution is often used for less serious, yet inappropriate, conduct\(^3\) and is encouraged as an alternative to the Formal Resolution option to resolve certain situations. The Director of Equity and Title IX in consultation with the VPSA will determine if conflict resolution is appropriate, based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution.

In a conflict resolution meeting, a trained administrator agreed to by both parties will facilitate a dialogue with the parties to an effective resolution, if possible. Disciplinary action is not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Director of Equity and Title IX and the VPSA will keep a record of any resolution that is reached, and failure by the parties to abide by the resolution may result in appropriate responsive or disciplinary action.

Conflict resolution will generally not be the primary resolution mechanism used to address reports of intentional discriminatory or harassing conduct, or any conduct that may also be criminal (e.g. nonconsensual sexual contact, nonconsensual sexual intercourse, intimate partner violence, stalking) though it may be made available after the formal process is completed should the parties, the Director of Equity and Title IX, and the VPSA believe that it could be beneficial. It is not necessary to pursue conflict resolution first in order to make a formal report, and anyone participating in conflict resolution can stop that process at any time and request a shift to the Formal Resolution options.

Parties will be notified of the outcome of the conflict resolution process, without undue delay between the notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official College records; or emailed to the parties’ College-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

iii. Informal Administrative Resolution

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.

If the Respondent accepts responsibility for all allegations, the VPSA, after reviewing information that has been gathered by the Investigator(s), and after meeting with the Complainant and/or the Respondent, as the VPSA deems appropriate, will determine the appropriate sanction.

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1 Minor allegations would be allegations that could rise to the level of a violation of the EO Policy if the conduct persisted, but has not yet reached the threshold of a violation when reported.

2 This is also commonly referred to as Alternative Dispute Resolution.

3 Such conduct includes, but is not limited to, unintentional sexual harassment, unintentional protected category discrimination or protected category harassment. Situations in which conduct is intentionally targeted at an individual or a group of individuals based on a protected category, or conduct that is also potentially criminal, would generally not be appropriate for informal conflict resolution, but will be assessed on a case-by-case basis.
If either the Respondent or the Complainant does not agree with the sanction, the Respondent and/or the Complainant may appeal the sanctions as set forth in Section VII below.

If the Respondent accepts responsibility for one or some of the allegations, the investigation report will be amended to reflect the acceptance of responsibility and the VPSA or the formal panel shall determine responsibility only on the remaining allegations. Should the Respondent change their mind on the acceptance of responsibility prior to the adjudication and resolution phase for any of those allegations, the investigation report will reflect that they had accepted responsibility during the process.

C. Formal Investigation and Resolution

If the Complainant wishes to pursue a formal investigation and resolution or if the Director of Equity and Title IX and the VPSA determine that it would be appropriate for the College to serve as the Complainant, and it has been determined that the Formal Investigation and Resolution is appropriate based on the Prohibited Conduct alleged, then the Director of Equity and Title IX shall appoint a trained impartial Investigator or Investigators (“Investigator”) to conduct the investigation.4

- 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.
- At any point during the investigation, if it is determined by the Investigator that there is no reasonable cause to believe that the EO Policy has been violated, the Director of Equity and Title IX in consultation with the VPSA, shall have authority to terminate the investigation and end resolution proceedings.
- Witnesses are expected to cooperate with and participate in the College’s investigation. Witnesses may, in certain circumstances, provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person.
- Respondents may elect to not participate in an investigation. Respondents who elect to not participate in the investigation will not have the opportunity to offer new evidence during the appeal stage of the process. (See Section VII Appeals below)
- The parties 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.

i. Investigation Timeframe

Typically, an investigation will be completed within sixty (60) 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 cause5. 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, both parties will be promptly notified.

ii. Advisor Participation in a Formal Investigation

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4 The determination of whether a formal investigation and resolution process is appropriate is not subject to appeal.

5 “Good cause” may be due to the complexity of the investigation, availability and scheduling of witnesses, the occurrence of a simultaneous criminal investigation and request from law enforcement that the College delay its investigation, College breaks, or other factors which unavoidably delay the 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.

iii. 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.

iv. Formal Investigation Conclusion

1. 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 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. The Investigator then prepares the final 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 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 upon 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. 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 whether they intend to move forward with VPSA adjudication (Section V.C.ii.) or formal panel adjudication (Section V.C.iii.). 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 and Title IX to adjudicate the matter.

VPSA Adjudication and Resolution

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 that further information is needed from the Investigator, the VPSA may remand the report to the Investigator for further questioning or investigation.
If the VPSA determines that the Respondent violated the EO Policy, the VPSA shall also determine the appropriate sanction. Prior to the determination of appropriate sanction: (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) 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 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

The Panel shall consist of three (3) elected and/or appointed faculty and staff members. The Director of Equity and Title IX shall convene the panel. When convening a Panel, the Director of Equity and Title IX, 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.

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

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 that further information is needed from the Investigator, they may remand the report to the Investigator for further questioning or investigation.

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 determination, if recommended. The VPSA makes 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 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 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. 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, in consult 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 (this list is not exhaustive – 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

This is a list of typical sanctions for a student employee who has engaged in harassment, discrimination and/or retaliation include (this list is not exhaustive):

- 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. 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. **Arbitrary and Capricious**: 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. **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.)
   c. **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.
   d. **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 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, it will be automatically provided to the other party.
7. The appeal officer may consult with the Director of Equity and Title IX and/or other College administrators or legal counsel as needed.

8. 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 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.

9. 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.

10. In Cases of Expulsion of a Student - the appeal officer shall consult with the President before issuing the final determination.

11. 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.

12. The appeal officer's decision is final.

Procedures for Resolution of Complaints Against Faculty

Faculty EO Complaint Resolutions

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).

A. Intake Process

Once on notice of alleged Prohibited Conduct, the Director of Equity and Title IX (or designee) will notify the Provost of the same. The Provost will determine whether the department chair is similarly notified. The Director of Equity and Title IX 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 and Title IX 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 Director of Equity and Title IX shall also determine whether any 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 and Title IX 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 and Title IX 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 and Title IX 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 and Title IX 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. below).

B. Informal Resolution

i. Early Resolution

In certain cases typically involving minor allegations that may or may not be reported to the Office of Equity and Title IX, the parties may voluntarily agree to use educational conversations or other methods of resolution to resolve the matter. The Complainant may address the conduct directly with the Respondent and the Respondent acknowledges that a minor behavior alteration will address the behavior sufficiently. (E.g., a faculty member agreeing to address a student by their preferred gender pronoun, or a staff member agreeing to stop commenting on their colleagues’ appearances.)

If conduct is reported and the allegations are similarly minor, the Director of Equity and Title IX and/or the Provost shall discuss such early resolution options with the Complainant.

ii. Conflict Resolution

Conflict resolution is often used for less serious, yet inappropriate, conduct and is encouraged as an alternative to the Formal Resolution option to resolve certain situations. The Director of Equity and Title IX and the Provost will determine if conflict resolution is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution.

In a conflict resolution meeting, a trained administrator agreed to by both parties will facilitate a dialogue with the parties to an effective resolution, if possible. Disciplinary action is not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Director of Equity and Title IX and the Provost will keep a record of any resolution that is reached. Failure by the parties to abide by the resolution may result in appropriate responsive or disciplinary action.

Conflict resolution will generally not be the primary resolution mechanism used to address reports of intentional discriminatory or harassing conduct, or any conduct that may also be criminal (e.g. nonconsensual sexual contact, nonconsensual sexual intercourse, intimate partner violence, stalking) though it may be made available after the formal process is completed should the parties, the Director of Equity and Title IX, and the Provost believe it could be beneficial.

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6 Minor allegations would be allegations that could rise to the level of a violation of the EO Policy if the conduct persisted, but has not yet reached the threshold of a violation when reported.

7 This is also commonly referred to as Alternative Dispute Resolution.

8 Such conduct could include, but is not limited to, unintentional conduct that could be a violation of the EO Policy. Situations in which conduct is intentionally targeted at an individual or a group of individuals based on a protected category, or conduct that is also potentially criminal, would not be appropriate for informal conflict resolution. These situations will be assessed on a case-by-case basis.
It is not necessary to pursue conflict resolution first in order to make a formal report, and anyone participating in conflict resolution can stop that process at any time and request a shift to the Formal Resolution option.

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

iii. Informal Administrative Resolution

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

If the Respondent accepts responsibility for all allegations at any point during the process, the Provost, after reviewing information that has been gathered by the Investigator(s), and after meeting with the Complainant and/or the Respondent, if the Provost deems appropriate, will determine the appropriate sanctions.

If the Respondent does not agree with the sanctions after the above consult has occurred, the Respondent may appeal the sanction as set forth in the Appeals section VII below.

If the Respondent accepts responsibility for one or some of the allegations at any point during the process, the investigation report will be amended to reflect the acceptance of responsibility, and will be taken into consideration by the Provost or the formal panel (see Section V.C.iii. below) when determining appropriate sanctions. Should the Respondent change their mind on the acceptance of responsibility, the investigation report will reflect that they had accepted responsibility during the process.

C. Formal Investigation and Resolution

If the Complainant wishes to pursue a formal investigation and resolution, or if the Director of Equity and Title IX and the Provost decide that it would be appropriate for the College to serve as the Complainant, and it has been determined that the Formal Investigation and Resolution is appropriate based on the Prohibited Conduct alleged, then the Director of Equity and Title IX shall appoint a trained impartial investigator or investigators (“Investigator”) to conduct the investigation.

- 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.
- At any point during the investigation, if it is determined by the Investigator there is no reasonable cause to believe that a College policy has been violated, the Director of Equity and Title IX in consult with the Provost has authority to terminate the investigation and end resolution proceedings.
- Witnesses are expected to cooperate with and participate in the College's investigation. Witnesses may, in certain circumstances, provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person.
- Respondents may elect to not participate in an investigation. Respondents who elect to not participate in the investigation will not have the opportunity to offer new evidence during the appeal stage of the process. (See Appeals Section VII below.)
**Investigation Timeframe**

Typically, an investigation will be completed within sixty (60) 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, 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.

**Formal Investigation Conclusion**

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.

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.

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.

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.)

The Investigator then prepares the final 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 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.

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9 “Good cause” may be due to the complexity of the investigation, availability and scheduling of witnesses, the occurrence of a simultaneous criminal investigation and request from law enforcement that the College delay its investigation, College breaks, or other factors which unavoidably delay the investigation.
Within seven (7) calendar days of receipt of the final report, the parties must elect in writing to the Director of Equity and Title IX whether they intend to move forward with Provost adjudication or formal panel adjudication. If one party elect or both parties elect to go to a formal panel, the formal panel will be convened by the Director of Equity and Title IX in consultation with the Provost to adjudicate the matter.

**Provost Adjudication and Resolution**

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 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.

**A. 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.

1. **Formal Panel (“Panel”) Adjudication and Resolution**

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 and Title IX.

Panel members are chosen from a trained pool of four appointed tenured faculty members and four appointed exempt staff members. Typically, there shall be at least one faculty member and at least one staff member on the Panel. When convening a Panel, the Director of Equity and Title IX, in consultation with the Provost 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.

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

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.

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10 The Provost shall appoint faculty members, which shall include at least one member of the Faculty Personnel and Policies Committee, and the Vice President of Human Resources shall appoint exempt staff members.

11 For example, if a case involves particular questions of academic freedom.
The Panel shall also determine a recommended appropriate sanction (see Section VI below) if the Panel finds that the Respondent violated the EO Policy. 12 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, 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.

ii. 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.

Employee Sanctions

The list of potential sanctions for an employee who has engaged in harassment, discrimination and/or retaliation includes, but is not limited to:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Pay Reduction
- 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

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12 The Panel will not have access to a faculty member’s personnel record or employment history and makes a recommended sanction determination based only on the information available to the Panel.
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.

Employee Appeals

The parties have a right to appeal the conduct and sanction determinations. Sanctions issued are implemented immediately unless the Vice President for Human Resources and Director of Equity and Title IX 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 Vice President for Human Resources and 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. Arbitrary and Capricious: There was a clear error of judgment where the decision was made with no reasonable basis or adequate consideration of all of the relevant circumstances.
   b. 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.)
   c. 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.
   d. Sanction Inappropriate: The sanction is clearly inappropriate or is not commensurate with the conduct violation.

3. The Vice President for Human Resources and 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, 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 Vice President for Human Resources, 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 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 for Human Resources and Director of Equity and Title IX, or Panel, respectively, for reconsideration.
- An appeal granted based on other grounds may either be remanded to the Vice President for Human Resources and Director of Equity and Title IX, 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 for Human Resources and Director of Equity and Title IX, 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, the Vice President for Human Resources, 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 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 Vice President for Human Resources, Director of Equity and Title IX, and the Provost.

13. The appeal officer’s decision is final.

Procedures for Resolution of Complaints Against Staff

Staff EO Complaint Resolutions

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).

A. Intake Process

Once on notice of alleged Prohibited Conduct, the Director of Equity and Title IX 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 and Title IX 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 and Title IX will gather additional information from the Complainant and 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 Director of Equity and Title IX and Vice President of Human Resources shall also determine whether any 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 and Title IX 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 and Title IX 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 and Title IX 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 and Title IX 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. below).

B. Informal Resolution

i. Early Resolution

In certain cases typically involving minor allegations\(^1\) that may or may not be reported to the Office of Equity and Title IX, the parties may voluntarily agree to use educational conversations or other methods of resolution to resolve the matter. The Complainant may address the conduct directly with the Respondent and the Respondent acknowledges that a minor behavior alteration, e.g., a staff member agreeing to address a student by their preferred gender pronoun; a staff member agreeing to stop commenting on their colleagues’ appearances, will address the behavior sufficiently.

If conduct is reported and the allegations are similarly minor, the Director of Equity and Title IX and/or the Vice President of Human Resources shall discuss such early resolution options with the Complainant.

ii. Conflict Resolution\(^2\)

Conflict resolution is often used for less serious, yet inappropriate, conduct\(^3\) and is encouraged as an alternative to the Formal Resolution option to resolve certain situations. The Director of Equity and Title IX and the Vice President of Human Resources will determine if conflict resolution is appropriate based on the willingness of the parties, the nature of the conduct at issue, and the susceptibility of the conduct to conflict resolution.

In a conflict resolution meeting, a trained administrator agreed to by both parties will facilitate a dialogue with the parties to an effective resolution, if possible. Disciplinary action is not possible as the result of a conflict resolution process, though the parties may agree to appropriate remedies. The Director of Equity and Title IX and the Vice President of Human Resources will keep a record of any resolution that is reached. Failure by the parties to abide by the resolution may result in appropriate responsive or disciplinary action.

Conflict resolution will generally not be the primary resolution mechanism used to address reports of intentional discriminatory or harassing conduct, or any conduct that may also be criminal (e.g. nonconsensual sexual contact, nonconsensual sexual intercourse, intimate partner violence, stalking) though it may be made available after the formal resolution options have been exhausted.

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\(^{1}\) Minor allegations would be allegations that could rise to the level of a violation of the EO Policy if the conduct persisted, but has not yet reached the threshold of a violation when reported.

\(^{2}\) This is also commonly referred to as Alternative Dispute Resolution.

\(^{3}\) Such conduct could include, but is not limited to, unintentional conduct that could be a violation of the EO Policy. Situations in which conduct is intentionally targeted at an individual or a group of individuals based on a protected category, or conduct that is also potentially criminal, would not be appropriate for informal conflict resolution. These situations will be assessed on a case-by-case basis.
process is completed should the parties, the Director of Equity and Title IX, and the Vice President of Human Resources believe it could be beneficial.

It is not necessary to pursue conflict resolution first in order to make a formal report, and anyone participating in conflict resolution can stop that process at any time and request a shift to the Formal Resolution option.

Parties will be notified in writing of the outcome of Conflict Resolution and notification and will 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.

### iii. Informal Administrative Resolution

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

If the Respondent accepts responsibility for **all** allegations at any point during the process, the Vice President of Human Resources, after reviewing information that has been gathered by the Investigator(s), and after meeting with the Complainant and/or the Respondent, if the Vice President of Human Resources deems appropriate, will determine the appropriate sanctions.

If the Respondent does not agree with the sanctions after the above consult has occurred, the Respondent may appeal the sanction as set forth in the Appeals section VII below.

If the Respondent accepts responsibility for **one or some** of the allegations at any point during the process, the investigation report will be amended to reflect the acceptance of responsibility, and will be taken into consideration by the Vice President of Human Resources or the formal panel (see Section V.C.iii. below) when determining appropriate sanctions. Should the Respondent change their mind on the acceptance of responsibility, the investigation report will reflect that they had accepted responsibility during the process.

### C. Formal Investigation and Resolution

If the Complainant wishes to pursue a formal investigation and resolution, or if the Director of Equity and Title IX and the Vice President of Human Resources decide that it would be appropriate for the College to serve as the Complainant, and it has been determined that the Formal Investigation and Resolution is appropriate based on the Prohibited Conduct alleged, then the Director of Equity and Title IX shall appoint a trained impartial Investigator or Investigators (“Investigator”) to conduct the investigation.

- 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.
- At any point during the investigation, if it is determined by the Investigator there is no reasonable cause to believe that a College policy has been violated, the Director of Equity and Title IX in consultation with the Vice President of Human Resources has authority to terminate the investigation and end resolution proceedings.
- Witnesses are expected to cooperate with and participate in the College’s investigation. Witnesses may, in certain circumstances, provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person.
• Respondents may elect to not participate in an investigation. Respondents who elect to not participate in the investigation will not have the opportunity to offer new evidence during the appeal stage of the process. (See Appeals Section VII below.)

**Investigation Timeframe**

Typically, an investigation will be completed within sixty (60) 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, 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 of 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.

**Formal Investigation Conclusion**

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.

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.

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.

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.)

The Investigator then prepares the final 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 and legal counsel, when necessary, prior to issuance to the parties and the Vice President of Human Resources. The Investigator shall issue the

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16 “Good cause” may be due to the complexity of the investigation, availability and scheduling of witnesses, the occurrence of a simultaneous criminal investigation and request from law enforcement that the College delay its investigation, College breaks, or other factors which unavoidably delay the investigation.
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.

Within seven (7) calendar days of receipt of the final report, the parties must elect in writing to the Director of Equity and Title IX 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 and Title IX in consultation with the Vice President of Human Resources to adjudicate the matter.

**Vice President of Human Resources Adjudication and Resolution**

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 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.

**Formal Panel (“Panel”) Adjudication and Resolution**

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 and Title IX.

Panel members are chosen from a trained pool of four appointed tenured faculty members and four appointed exempt staff members. Typically, there shall be at least one faculty member and at least one staff member on the Panel. When convening a Panel, the Director of Equity and Title IX, in consultation with the Vice President of Human Resources 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.

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

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17 The Provost shall appoint faculty members, which shall include at least one member of the Faculty Personnel and Policies Committee, and the Vice President of Human Resources shall appoint exempt staff members.

18 For example, if a case involves particular questions of academic freedom.
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.\(^\text{19}\) 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 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 Vice President of Human Resources shall provide to the parties, in writing, the Panel’s finding and recommended sanction determination, the Vice President of Human Resources’ final sanction determination, and 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.

**SANCTIONS**

The list of typical sanctions for an employee who has engaged in harassment, discrimination and/or retaliation include (this list is not exhaustive):

- 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

\(^{19}\) The Panel will not have access to a faculty member’s personnel record or employment history and makes a recommended sanction determination based only on the information available to the Panel.
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.

APPEALS

The parties have a right to appeal the conduct and sanction determinations. 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. **Arbitrary and Capricious**: 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. **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.)
   c. **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.
   d. **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 same 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 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**

Muhlenberg College is committed to the prevention of sexual and gender-based misconduct through education and awareness programs. Throughout the year, programs designed to promote awareness are presented by a variety of campus resources. Muhlenberg College's Title IX coordinator, in collaboration with others, works to tailor programming to meet campus needs and climate. Prevention and education programs include an overview of the College's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; effective consent; safe and positive options for bystander intervention; and information about risk reduction, resources, and reporting options.

Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. Returning students and employees will receive ongoing training on a periodic basis. All students and employees are instructed that the College strictly prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.

While Pennsylvania law does not have a specific legal definition for dating violence, it defines domestic abuse as knowingly, intentionally or recklessly causing bodily injury of any kind, causing fear of bodily injury of any kind, assault (sexual or not sexual), rape, sexually abusing minor children, or knowingly engaging in a repetitive conduct toward a certain person (i.e. stalking) that puts them in fear of bodily injury. These acts can take place between family or household members, sexual partners or those who share biological parenthood in order to qualify as domestic abuse.
Orientation for incoming students includes an online sexual misconduct awareness and prevention program (This includes sexual assault, intimate partner violence, stalking, and retaliatory harassment), and online educational program on alcohol and other drug use and a presentation on high risk behavior, sexual assault, the issue of consent, and bystander intervention. The course, Foundations of Student Success, required for graduation from the College and taken by most students in their first year, includes a presentation on sexual and gender-based misconduct. Included in this discussion is a review of the Sexual & Gender-Based Misconduct policy, definition of offenses that constitute violations of the Policy including dating violence, domestic violence, sexual assault and stalking, definition of consent, options for reporting, and the disciplinary process for students including possible sanctions for each offense. Also included is a description of safe and positive options for bystander intervention and information on risk reduction—both for reducing the risk of being accused of violating the policy and for reducing the risk of victimization.

Programs and other campaigns offered throughout the year to all members of the campus community include strong messages regarding awareness, primary prevention (including normative messaging, environmental management, consent education, and bystander intervention), and discuss institutional policies on sexual misconduct and Pennsylvania definitions of domestic violence, dating violence, sexual assault, stalking, and the College’s prohibition of these crimes. These programs are offered through formal residence hall programming, mandatory fraternity and sorority programming, mandatory education for athletes, and supplemental programs sponsored by peer educators, student groups, and various other College departments. Programming is informed by evidence-based research and/or is assessed for its effectiveness in achieving learning outcomes. Branded programs such as AlcoholWise, Haven, StepUp!, It’s On Us are among workshops are among these offerings.

The Department of Campus Safety offers self-defense and risk reduction programs that strive to empower community members, teach how to recognize warning signals and avoid potential attacks, and do so without victim-blaming approaches.

The Title IX Coordinator has developed a sexual misconduct resource guide for students as required by the Violence Against Women Act. This guide includes a definition of offenses, reporting options, a description of the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred including the following:

- Importance of preserving evidence (physical and documentary) and procedures to follow to do so;
- Options for reporting including how and to whom a student may report;
- A student’s right to report to law enforcement authorities, including Campus Safety and local municipal police and to be assisted by the College to make this contact if so desired;
- A student’s right to decline to report to these authorities; and
- A student’s right to obtain civil protection orders and campus “no contact” and “no trespass” orders.

The full Guide may be accessed here: Student Resource Guide

Campus Safety, The Title IX Coordinator, the Director of Prevention Education, the Counseling Center and Student Health Services provide additional passive education through literature on sexual assault education, risk reduction, reporting options for sexual assault victims, and College response to such misconduct.

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 web site at http://www.pameganslaw.state.pa.us/. Please note that not all sex offenders are required to be included in this listing

It is the policy of Muhlenberg College to notify the Title IX Coordinator and/or Campus Safety when sexual misconduct occurs, typically without providing identifying information about the incident, unless a victim wishes that information to be shared, or an emergency requires disclosure. Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement, but will also respect the victim’s right to decline notification to authorities.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, the College utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming.
It is the policy of the College to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are conducted during new student and new employee orientation and throughout an incoming student's first academic year. Programs and other campaigns offered throughout the year to all students and employees include strong messages regarding not just awareness, but also primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct as well as Pennsylvania definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. Programs are informed by evidence-based research and/or are assessed for their effectiveness and include online courses.

- Haven - a sexual assault awareness/prevention program for all first-year and transfer students designed to provide information about consent, bystander intervention, sexual assault, dating and domestic violence, stalking and more.
- Workplace Answers - Preventing Discrimination and Sexual Violence: Title IX, VAWA and Clery Act for all College employees.
- Step-Up (bystander intervention)
- It’s On Us - First year student orientation includes a presentation on high-risk behavior, sexual assault, the issue of consent, and bystander intervention.
- AlcoholEDU - This course is designed to empower students to make well-informed decisions about alcohol, prepare them to respond to risky drinking situations, better cope with the drinking behavior of their peers, and help them reach their personal and academic goals.
- eCHECKUP TO GO - Provides programs in thoughtful integrations with programs such as Choices, in order to provide education of alcohol and other drug awareness.

All students receive additional education on these issues and College policy through a mandatory Foundations of Student Success course.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention-based apps, identifying allies, and/or creating distractions. Bystander empowerment training highlights the need for those who intervene to ensure their own safety in the intervention techniques they choose, and motivates them to intervene as stakeholders in the safety of the community when others might choose to be bystanders. In the event that sexual misconduct, gender-based violence, or the crimes of sexual assault, stalking, dating violence or domestic violence do occur, the College takes the matter very seriously. Muhlenberg College employs interim protection measures such as interim suspensions and/or no contact orders in any case where a student’s behavior represents a risk of violence, threat, pattern, or predation. If a student is accused of sexual misconduct, other gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, they are subject to action in accordance with the Sexual and Gender-based Misconduct Policy in the student handbook. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator at 484-664-3562 or Campus Safety at 484-664-3110. Anyone with knowledge about sexual misconduct, gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately.

Protective measures for victims are available from the campus whether a victim chooses to report to local and/or campus law enforcement, and irrespective of whether a victim pursues a formal complaint through the Muhlenberg College resolution process.

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Campus Safety, 484-664-3110, if you are on campus or call 911 if you are off campus.

2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.

3. If you are on campus during regular business hours, you may go to the
Counseling Center, Life Sports Center, 2nd Floor, private entrance to the west of main LSC entrance for counseling services, support and guidance. This is a confidential resource. After regular business hours, or in any situation where a victim wishes, local resources are also available and may be able to provide confidential assistance: Crime Victims Council of the Lehigh Valley 610-437-6611 (24/7) and Turning Point of Lehigh Valley (domestic violence) 610-437-3369(24/7).

4. For your safety and well-being, immediate medical attention is encouraged.

Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement.

- To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.

- Typically, if the police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.

- If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.

- Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.

- Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

- If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Safety or the Title IX Coordinator so that those orders can be observed on campus.

5. Even after the immediate crisis has passed, consider seeking support from Counseling Services and/or Crime Victims Council of the Lehigh Valley.

6. Contact the Title IX Coordinator if you need assistance with College-related concerns, such as no-contact orders or other protective measures. The Title IX Coordinator will also assist in seeking needed advocacy for students who wish to obtain protective or restraining orders from local authorities. Muhlenberg College is able to offer reasonable academic support, changes to living arrangements, modifications, no contact orders, counseling services access, and other supports and resources as needed by a victim. The College is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims.
§ 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)


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.
§ 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)


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.
   (iii) 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.

CAMPUS PROCEDURES FOR ADDRESSING SEXUAL HARASSMENT, SEXUAL MISCONDUCT, INTIMATE PARTNER VIOLENCE (DATING VIOLENCE AND DOMESTIC VIOLENCE), STALKING, AND GENDER DISCRIMINATION

For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse (the policy equivalent to the crime of rape) usually result in suspension, expulsion, or termination of employment. Lying to investigators (and/or failing to participate in an investigation) can result in additional consequences under the Code of Student Conduct.

Procedurally, when the College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the College/University will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations; changes in housing for the victim or the responding student; visa and immigration assistance; changes in working situations; and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, targeted interventions, etc.). If the victim so desires, that individual will be connected with a counselor on- or off-campus, as well as an off-campus victim’s advocate. No victim is required to take advantage of these services and resources, but the College provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports, and procedures, in the form of this document, is provided to all victims, whether they are students, employees, guests, or visitors. When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair, and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. All participants are entitled to a prompt, fair, and impartial process from the initial investigation to the final result.
Procedures detailing the investigation and resolution processes of the College can be found online here:

For complaints about students:  [Student EO Complaint Resolutions](#)

For complaints about staff:  [Staff EO Complaint Resolutions](#)

For complaints about faculty:  [Faculty EO Complaint Resolutions](#)

The College is responsible for ensuring in all cases that the behavior is brought to an end, that it acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The Title IX Coordinator is responsible for ensuring that training is conducted annually for all investigators, hearing officers, College provided advisors, and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses. The investigation and records of the resolution conducted by the College are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with Pennsylvania law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of victim or information that could easily lead to a victim’s identification. Additionally, the College maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

In any complaint of sexual misconduct, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the federal law, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action. The role of advisor is defined in section III of the Equal Opportunity and Nondiscrimination Procedures (see links “For complaints about students/staff/faculty above).

Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefore. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the Muhlenberg College appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

Both Title IX and the Clery Act provide protections for whistleblowers, who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The College/University does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus Title IX Coordinator and/or to officials of the U.S. Department of Education.

The DCS advocates that a victim of sexual assault report the incident in a timely manner to appropriate campus authorities and/or law enforcement officials, but the victim has many other options. Time is a critical factor for evidence collection and preservation for later use in a criminal prosecution and or College judicial proceeding. The College will take whatever measures it deems necessary in response to an allegation of sexual assault in order to protect students’ rights and personal safety. Such measures may include, but are not limited to, modification of living arrangements and class schedules, and interim suspension of an alleged student pending a hearing. Students have the following reporting options:

- If one desires that the details of a report be kept confidential, they should speak with Counseling Services (484-664-3178), Student Health Services (484-664-3199), the College Chaplains (484-664-3120), or off campus rape-crisis resources such as the Crimes Victims Counsel (610-437-6611).
- One also has the option of filing a “Report of Sexual Assault/Harassment,” available in the Counseling Center (484-664-3178).
If one desires to file a formal College Judicial complaint, contact the Department of Campus Safety (484-664-3110) or the Muhlenberg College Title IX Coordinator (484-664-3562). If you report the assault to the Department of Campus Safety, they will notify the Muhlenberg College Title IX Coordinator of the complaint.

If one desires to bring criminal charges against the alleged perpetrator, Campus Safety and Counseling Services will provide support and access to the Allentown Police Department or the appropriate law enforcement agency where the assault occurred. The police department may also be contacted directly by the victim (610-437-7751).

Students may switch from anonymous or confidential reporting to filing a formal complaint at any time.

The College system and the police/legal system work independently from one another. Students may file reports with DCS, with law enforcement, or with both systems.

Medical and Emotional Support

If you are the victim of a sexual misconduct, you should seek immediate medical attention to treat injuries, take preventative measures for sexually transmitted diseases and pregnancy, and collect physical evidence. Campus Safety (484-664-3110) will provide transportation to the local hospital of choice. The Lehigh Valley Hospital Emergency Room at 17th and Chew Streets is prepared to treat sexual assault victims.

Health Center Nurses are available at the Student Health Services Office by calling 484-664-3199 or by visiting the Student Health Services Monday through Friday 9 a.m. to 4:30 p.m. After hours, on-call nursing staff is available by calling Campus Safety (484-664-3110) for emergency situations). Note: The caller does not have to provide the dispatcher with information about an incident. The caller should ask to speak with a nurse on call. An initial visit to the Health Center is not an obligation to report the assault or press charges.

Counselors are available at the Counseling Center by calling 484-664-3178 for an appointment or visiting the Center Monday through Friday 9 a.m. to 4:30 p.m. After hours, on-call counseling staff is available by calling 484-664-3178. Campus Safety (484-664-3110) is also able to connect callers to the Counseling Center’s on-call counseling staff, Note: The caller does not have to provide the dispatcher with information about an incident. The caller should ask to speak with a counselor on call. Counseling Services staff will provide safe, confidential support, including information about common reactions to sex offenses and ways to cope. They also can explain options for reporting an offense or seeking disciplinary action and/or criminal charge. An initial visit to Counseling Services is not an obligation to report the assault or press charges. If Counseling Services staff determines that a serious threat to the safety of members of the campus community exists based upon information received during a counseling session, the staff may take steps to confidentially inform appropriate campus officials. On-going services include individual counseling and a support group for sexual assault survivors.

Off campus support can be found by calling the Crime Victims Council (610-437-6611), a 24 hour hotline). Trained volunteers can provide information and support. This agency can also provide a trained advocate at the hospital or during any legal proceedings. Support groups are also available.*

The following Pastoral and/or Professional Counselors are available to provide assistance for reports of sex offenses. These informal reports are designed to be treated with appropriate confidentiality and not to lead to formal disciplinary action against the offender, unless the accuser decides to report the incident as described in the following section. Reports to pastoral and professional counselors are not required to be reported in the College’s Crime Statistics.

- Counseling Center (484-664-3178)
- Health Center (484-664-3199)
- College Chaplain (484-664-3120)
- Catholic Chaplain (484-664-3122)
- Jewish Chaplain (484-664-3244)

The Counseling Center can be contacted for emotional support and counseling on campus.

For off-campus counseling and emotional support contact the Crime Victim Council* (a 24 hour hotline) at 610-437-6611.
Preserving Evidence

In order to assist in proving that the alleged offense occurred or to help in obtaining a protection order, it is important to preserve evidence when possible.

If you can avoid it, do not use the toilet, shower, bathe, or douche. Do not apply medication to any injuries you may have sustained unless absolutely necessary. Do not disturb anything in the area where the assault occurred, if it was in an area under your control. Do not change any clothing or bed linens that may contain evidence for later law enforcement or disciplinary action. Remain calm and alert. Get to a safe place: your room, a friend's room, your RA's room or to Campus Safety in Prosser Hall.

Police are in the best position to preserve evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 72 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of criminal sexual assault, you should go to one of the following: Lehigh Valley Hospital Emergency Room, or Student Health Services on campus before washing yourself or your clothing. The Sexual Assault Forensic Examiner (a specially trained medical professional) at the hospital is on call 24 hours a day, 7 days a week.

If you first want to speak with a medical professional call the Emergency Room at Lehigh Valley Hospital Center at 610-402-8000, or Health Services at 484-664-3199.

A victim advocate from the College can also accompany you to the hospital, and law enforcement or the Department of Campus Safety can provide transportation. If you go to the hospital, local police may be called, but you are not obligated to talk to police or pursue prosecution. Having evidence collected can assist the authorities in pursuing criminal charges, should you later decide to exercise that option.

The hospital staff will collect evidence, check for injuries, address pregnancy concerns, and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, you should bring the clothing you had on at the time of the assault in a clean sanitary container such as a clean grocery bag or wrapped in a clean sheet. Plastic containers do not breathe and may render evidence useless. If you have not changed clothes, a change of clothing should be brought along to the hospital, if possible, as medical personnel will likely keep the clothing as evidence.

College disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the Muhlenberg College EO Policy and the Student EO Complaint and Resolution Procedures (see links above). A student found in violation of the College EO Policy could be prosecuted in a court of law and may be suspended or expelled from the College for a first offense. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions, ranging from a verbal warning to expulsion, depending upon the severity of the offense. Possible sanctions for violation of the Muhlenberg College EO Policy for sexual misconduct, intimate partner violence, and stalking range from warning to expulsion.

Notwithstanding the above, the College reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. The college will consider the concerns and rights of both the complainant and the person accused of sexual misconduct. The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students' rights and personal safety. Such measures may include, but are not limited to, modification of living arrangements and interim suspension from campus pending a hearing. Upon request Muhlenberg will disclose the results of any disciplinary proceeding conducted by Muhlenberg against the student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense to the victim or the next of kin of the victim.

Muhlenberg will not tolerate any retaliation against any individual for reporting sex offenses in accordance with this policy.

It is important to note that victims, witnesses, and reporters of a sex offense may be immune from judicial sanctions for violating the College’s Alcohol Policy and/or Drug Policy provided that s/he completes a follow-up course of evaluation counseling and, if indicated, treatment. Failure to complete the prescribed course of evaluation counseling and treatment may result in the imposition of sanctions under the College’s Student Code of Conduct. This information is also contained in the “Muhlenberg College Medical Amnesty Policy” found in the Student Policy and Resource Guide.
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 emergency, 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 an immediate response, the Decision Team will communicate and/or convene to initiate the notification process without delay. In an extreme emergency, 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 by DCS officer on scene of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the surrounding area.

2. Upon confirmation of an emergency situation that requires an immediate response, the Decision Team will communicate and/or convene, and initiate the notification process without delay. In an extreme emergency, the notification process will be implemented at the sole direction of the Director of Campus Safety or his/her 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 e2campus 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 e2campus)
   - 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 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 e2campus.
   - 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 Campus Safety Supervisor of an incident occurring (one that fits a category above), an immediate call will be made to the Department of Campus Safety to brief him/her of the occurrence. List the persons involved in the process

2. Upon notification to the Director of Campus Safety or Campus Safety Supervisor and upon gathering as much information that is 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 Campus Safety Supervisor 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 of the following persons will determine the communication and means of dissemination.

   a. Under the appropriate circumstances, the Director of Campus Safety is authorized to send pre-determined, incident specific timely warning messages. These messages pertain to emergencies such as; Active Shooter on Campus, or a serious crime occurrence on or near campus.

5. Distribution of Communication to include the how and when.

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. Date and time of follow up

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. 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.

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.

- **01/25/2017** Lock Down in Ettinger Hall conducted by DCS at 13:00 hrs (Students were involved in this exercise.)
- **09/26/2017** Emergency Tabletop Exercise involving DCS, Lehigh Valley Emergency Management, and Allentown City Emergency Responders. Scenario involved a lightning strike at the Football Stadium.
- **10/18/17** Lock Down in Moyer Hall conducted by DCS at 13:38 hrs. This was the first test of our text to voice feature over emergency phones in classrooms.
- **03/27/18** Lock Down in the science buildings (Shankweiler and New Science) and the Life Sports Center (LSC) conducted by DCS at 13:30 hrs. This was the first time we conducted a lock down drill in more than one building at the same time.
- **09/26/18** Lock Down in Ettinger Hall and the Trexler Library conducted by DCS at 15:31 hrs. This was the first test of our Alertus feature designed to activate an emergency notification on all College owned computers.
- **11/01/2018** Emergency Tabletop Exercise involving DCS, Lehigh Valley Emergency Management, and Allentown City Emergency Responders. Scenario involved a Bomb Threat with casualties and long term structural damage to a residence hall.
- **03/21/2019** Lock Down in Center for the Arts conducted by DCS at 15:30 hrs. This was the first test held exclusively in a non academic building.

**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 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 officer 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.muhlenberg.edu/main/aboutus/campus-safety/crisisresponseguidelines/](http://www.muhlenberg.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**

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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 to 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 or 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
Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe 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 Onilert 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 a shuttle service with various stops beyond the campus boundaries. Information regarding the operations and destinations of the shuttle service can be obtained through the Dean of Students Office at (484) 664-3182.

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.

4. **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.
5. **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.

6. **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.

7. **Security Alarm Systems...**a sophisticated computer-enhanced alarm system monitors a campus-wide network of intrusion, fire and duress alarms.

8. **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.

9. **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.

10. **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.

11. **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.

12. **Crime Prevention Announcements...**articles and information are regularly provided to *The Weekly*.

13. **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.

14. **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.

15. **Employee Training:**
   - The College uses Campus Answers 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.
     - These are the programs:
       - Preventing Discrimination and Sexual Violence: Title IX, VAWA & Clery Act
       - Diversity Benefits for Higher Education
       - 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
Conflict of Interest (COI)
COI Family Members
Discriminatory Harassment
Drug-Free Workplace
Electronic Communications Policy
Email Departure Policy
Equal Opportunity and Nondiscrimination Policy
Family Medical Leave Act (FMLA)
Hot Line Policy
Minors On Campus
Program Protocols
Non-Discrimination Policy Statement
Notice of Privacy Practices
Pet Policy
Problem Resolution
Smoking Policy
Tuition Scholarship Assistance
LVAIC Employee Cross Registration Policy
Firearms and Other 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 member 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 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](#)


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](mailto:julespurnell@muhlenberg.edu)
Polices – 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](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](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) and Student Health Services (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](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, increased 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:

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](http://interwork.sdsu.edu/echeckup/usa/alc/coll/Muhlenberg)
   Marijuana:  [http://interwork.sdsu.edu/echeckup/usa/mj/coll/muhlenberg](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 are targeted at families in which children 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 and 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 trainings 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
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.

See Schedule, next page.

<table>
<thead>
<tr>
<th>Schedule</th>
<th>Substance/Quantity</th>
<th>Penalty</th>
<th>Substance/Quantity</th>
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<tbody>
<tr>
<td>II</td>
<td>Cocaine 500-4999 grams mixture</td>
<td>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,</td>
<td>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.</td>
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<tr>
<td>II</td>
<td>Cocaine Base 28-279 grams mixture</td>
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<td>Cocaine Base 280 grams or more mixture</td>
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<tr>
<td>IV</td>
<td>Fentanyl 40-399 grams mixture</td>
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<td>Fentanyl 400 grams or more mixture</td>
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<td>Substance/Quantity</td>
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<tr>
<td>Any Amount Of Other Schedule I &amp; II Substances</td>
<td><strong>First Offense:</strong> Not more that 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.  &lt;br&gt;<strong>Second Offense:</strong> 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.</td>
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<tr>
<td>Any Drug Product Containing Gamma Hydroxybutyric Acid</td>
<td><strong>First Offense:</strong> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual.  &lt;br&gt;<strong>Second Offense:</strong> 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.</td>
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<tr>
<td>Flunitrazepam (Schedule IV) 1 Gram</td>
<td><strong>First Offense:</strong> Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.  &lt;br&gt;<strong>Second Offense:</strong> Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual.</td>
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<tr>
<td>Any Amount Of Other Schedule III Drugs</td>
<td><strong>First Offense:</strong> Not more than 10 yrs. If death or serious bodily injury, not more that 15 yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual.  &lt;br&gt;<strong>Second Offense:</strong> 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.</td>
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<tr>
<td>Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)</td>
<td><strong>First Offense:</strong> Not more than 5 yrs. Fine not more than $250,000 if an individual, $1 million if not an individual.  &lt;br&gt;<strong>Second Offense:</strong> Not more than 10 yrs. Fine not more than $500,000 if an individual, $2 million if other than an individual.</td>
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</tbody>
</table>
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: $2,500 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 $5,000 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 $5,000 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.
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.muhlenberg.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.muhlenberg.edu/annualsecurityreport.

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 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 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 cohabited 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 severe 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 drills per each academic semester in each student residential facilities and provides educational and training programs in fire safety and prevention techniques for students, faculty and staff. All resident’s 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 ¾ 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, benzine, 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. fire pits) is prohibited within the city of Allentown without obtaining proper permits. Use of fireworks is strictly prohibited on any college property.

**Tobacco Policy**

Muhlenberg College is a 100% Smoke, Tobacco and Nicotine-Free Campus. This Policy applies to all College faculty, staff, students, agents and contractors and all visitors, vendors and guests of the College. The smoking or use of any tobacco and nicotine product (including but not limited to the use of e-cigarettes, juuls or other vaping devices) is prohibited (a) on and in all College property including College owned or leased residence halls, MILE Houses, academic buildings, administrative and other buildings, sidewalks, parking lots, landscaped areas and recreational areas; and (b) at all lectures, conferences, meetings and social, athletic and cultural events held at the College and in all College owned or leased vehicles. All tobacco and nicotine products must be extinguished and properly disposed of prior to entering any College property.  [view the policy here.](#)

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.

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 knows 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
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:

2. UCR Return A - Monthly Return of Offenses Known Part 1
3. UCR Return A - Monthly Return of Offenses Known Part 2
4. 2016-2018 Clery Reportable Criminal Offenses; On-Campus, Non-Campus, Public Property
5. 2016-2018 Hate Crimes - There were no reported Hate Crimes for the years 2018, 2017 or 2016 (No statistical report is included below).
6. 2016-2018 Information Regarding Fires in Residential Facilities
7. 2018 Fire Drill Report
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1 Rape/Sexual Assault/Sex Offenses statistics include third party and anonymous reports
2 Most of the Burglary incidents involve unforced entry into unlocked and/or unattended rooms or offices
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## UCR Return A - Monthly Return of Offenses Known Part 2

Statistics from: 01/01/2018 0000 to 12/31/2018 2359

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Statistics and Related Information Regarding Fires in Residential Facilities 2016
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### 2018 Fire Alarm Documentation

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