

2024 Annual Security and Fire Safety Report  
Containing Crime Statistics for  
2021, 2022, and 2023

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FRANKLIN & MARSHALL  
COLLEGE

*Lancaster, PA, USA Campus,  
Bath, England Campus,  
& Millport Conservancy Campus, Lititz, PA USA*

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## Separate Campuses

Unless otherwise indicated, all policy statements contained in this report apply to all Franklin & Marshall College Campuses - Lancaster, Bath ASE, and Millport Conservancy.

## Prologue

*Franklin & Marshall College is pleased to comply with state (The College and University Security Information Act [PA Act 73, 1988]) and federal (the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended) laws requiring that colleges make security information and Campus crime statistics available to all prospective and current students and employees. This report summarizes crime prevention policies and refers the reader to the sources of the complete policies. This report is updated and published annually by the Department of Public Safety.*

## Preparation of the Annual Disclosure of Crime Statistics

Each year the Department of Public Safety (Department) 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 also be located on the web at <https://www.fandm.edu/health-wellness-and-safety/public-safety/public-safety-compliance/index.html> This report is prepared in cooperation with the local law enforcement agencies surrounding our main Campus and sites abroad, the Office of Student Affairs, Department of Athletics, the Department of Student Wellness Education and Violence Prevention, as well as many other departments. Each entity provides information on their educational efforts and programs to comply with the Act.

Campus crime, arrest, and referral statistics include those reported to the Franklin & Marshall Department of Public Safety, designated “Campus Security Authorities” (including but not limited to Public Safety Officers, Deans, House Advisors, Judicial Staff, Advisors to students/student organizations, Athletic Coaches), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses, but such statistics are not required to be reported by law. Counseling Services staff informs their clients of the procedures to report crime to the Department of Public Safety on a voluntary or confidential basis, if they feel it is in the best interest of the client.

Daily Logs chronicling all calls for service and crimes received or reported to the Department are maintained. The Logs includes the Department’s response and disposition of the incident(s). Additionally, the Logs contains the call or report number of the incident, and location of the incident. The Department’s Investigator may conduct investigations and follow-up reports on all incidents or cases when necessary. All statistics about crimes occurring on Campus and Crime Logs are maintained in electronic databases and are available upon request.

Each year, enrolled students and staff are notified via email how to access the Annual Security and Fire Safety report on the website. Copies of the report may also be obtained at the Department of Public Safety in Marshall-Buchanan Hall on the Franklin & Marshall College Campus in Lancaster, PA.

## Daily Crime Log

The Department of Public Safety maintains a Daily Crime Log which is available to the public for review at the Department located at 609 Old Main Drive from 8am – 5 pm Monday through Friday, excluding holidays.

## Description of the College

Franklin & Marshall’s main Lancaster campus (Campus) is in a residential neighborhood one mile west of downtown Lancaster. It is an “open” campus with no walls or fences. In the Spring of 2023, Franklin & Marshall enrolled a little over 2500 undergraduate students. The College employed 194 full-time and 57 part-time faculty and 583 full and part-time professional staff, and 1468 student workers.



## Department of Public Safety Authority and Jurisdiction

The Franklin & Marshall College Department of Public Safety is an Accredited Law Enforcement Agency; one of 145 police departments of approximately 1,200 departments in the Commonwealth of Pennsylvania and one of only 10 Campus Police Departments in higher education. Accreditation is through the Pennsylvania Law Enforcement Accreditation Commission (PLEAC).

The Department consists of an Associate Vice President, a Lieutenant, Sergeants, and sworn Police Officers who derive their police powers from Pennsylvania Statute Title 22, section 501. The Department also employs unsworn Security Officers and Dispatchers who receive calls to relay to Officers. Calls are also dispatched by the Lancaster County-Wide Communications Network (9-1-1). All sworn Police Officers have attended and successfully completed Pennsylvania's state requirements for Act 235 Lethal Weapons Training.

The Department's sworn Police Officers have complete authority to apprehend and arrest anyone involved in illegal acts within their jurisdiction, which includes the entire main Campus, areas immediately adjacent to the Campus, and all other properties owned and/or operated by Franklin & Marshall College. This includes Buchanan Avenue to Manheim Pike; Race Avenue to Mulberry Street; West Walnut Street, Baker Campus, and the Grundy Observatory. The Department of Public Safety supports the educational goals of the College by providing 24-hour quality police, safety, and security services to the College Community. Police Officers have the authority to enforce state and local laws and College policies. Campus Police are committed to the improvement of the quality of life for students, faculty, staff, and visitors by providing a safe environment conducive to learning by protecting persons and property, enforcing the Commonwealth of Pennsylvania laws, local laws, College policies, preventing crime, and apprehending offenders both on and off Campus. Security Officers do not have the power of arrest nor the authority to enforce College policies. They have jurisdiction primarily on the main Campus and will contact a Campus Police Officer to address a situation that requires response by a sworn Police Officer.

Through coordination with local law enforcement agencies, any criminal activity engaged in by students at non-campus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities, is monitored and recorded. This information is provided to the Dean of Students for any action or follow-up that may be required. Campus Police may also refer any minor offenses involving College rules and regulations committed by Franklin & Marshall College students to the Dean of Students who is responsible for College disciplinary action.

Franklin & Marshall College's Department of Public Safety also serves a variety of other functions, including, but not limited to, conducting routine patrols of Campus buildings to evaluate and monitor security related matters, responding to all medical emergencies, alarm calls, enforcing Campus parking policies, and providing information to College guests. The office, open 24 hours a day, 365 days a year, is located in Marshall/Buchanan Hall, 613 Old Main Dr. (717) 358-3939.

For additional information, please visit the Department of Public Safety website at <https://www.fandm.edu/health-wellness-and-safety/public-safety/index.html>.

## **Relationship with Local Authorities**

The Department of Public Safety has an excellent working relationship with state and local police including the Lancaster Bureau of Police, Manheim Township Police, and the Pennsylvania State Police. Additionally, the Department has relationships with local fire departments and the City Housing Authority. The Department has a written Memorandum of Understanding with the Lancaster Bureau of Police relative to the investigation of criminal incidents. Major offenses such as murder, sexual assault, aggravated assault, robbery, and auto theft are reported to the local police and joint investigative efforts are initiated. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at either the District Magistrate Judge's office or the Lancaster County Courthouse. The Department is part of the Lancaster County-Wide Communications system (9-1-1) and may receive or send calls directly. The Department also has direct radio communication with the Lancaster Bureau of Police on the County radio network.

Franklin & Marshall College's bike patrol program began in November 2002 and the current seven certified bike patrol Officers along with the Lancaster City Alliance bike squads continue to patrol Campus and the areas in the district, helping to promote a safe environment for both students and Lancaster City residents.

Lancaster City Alliance, formerly the James Street Improvement District, has also discovered that its bike squad deters crime and promotes a sense of security among Lancaster City residents. The Lancaster City Alliance patrol area is bound by Race Avenue on the west, the train tracks and Amtrak station on the north, Lime Street on the east, and Chestnut Street and the Downtown Investment District on the south. The Alliance has added a new portion to additionally patrol which includes the Southwest portion of the City to go as far south as Seymour St.

## **How to Report a Crime, Suspicious Activity, or Emergency**

Crimes and emergencies can be reported by dialing 9-1-1 or by calling the Department of Public Safety at (717) 358-3939. Community members, students, faculty, professional staff, and their guests should accurately and promptly report any crime, unusual or suspicious activity or incidents, emergency, or potential safety hazard that occurs on or around College property to the Department, 24 hours a day, at 717-358-3939. Any Public Safety Officer can take a report. This includes crimes when the victim of a crime elects to, or is unable to, make such a report.

Persons may also report crimes or hazards anonymously by calling (717) 358-4302, by the LiveSafe app, or on the Public Safety website at <https://www.fandm.edu/health-wellness-and-safety/public-safety/index.html>. Incidents occurring outside of Public Safety's jurisdiction (properties not owned or controlled by the College) should be reported to the local police by dialing 9-1-1.

During an on-Campus emergency, persons have the option of calling 9-1-1 or Public Safety at (717) 358-3939 first. Public Safety has direct contact with both 9-1-1 and the Lancaster Bureau of Police through phone and radio, and may get through to 9-1-1 and receive a quicker response than would a non-police caller. If an alleged crime is reported to a College official, other than a member of the Department, the alleged incident must then be reported to the Department immediately.

Franklin & Marshall College has designated all faculty and staff as Campus Security Authorities; therefore, all Clery crimes must be reported to the Department of Public Safety promptly.

Any sexual misconduct including dating violence, domestic violence, and stalking must be reported to the Title IX Coordinator promptly, consistent with College Policy. Clery crimes such as murder, non-negligent manslaughter, manslaughter by negligence, robbery, aggravated assault, burglary, arson, motor vehicle theft, hate crimes, liquor law violations, drug violations, and weapon violations are to be reported to the Department of Public Safety.

Members of the Community are helpful when they immediately report crimes or emergencies to the Department of Public Safety at (717) 358-3939, coaches (Athletics' Office (717) 358-4102), Deans (Dean of Students' Office (717) 358-4000), or the Title IX Coordinator (717) 358-7178, as these employees are preferred receivers of crime reports. Crimes reported will be assessed for issuing a Timely Warning Notice and will be included in the College's annual statistical disclosure. The College encourages students and employees to be responsible for their own security and for the security of others.

## Response to Reports

The Department of Public Safety is available at (717) 358-3939 twenty-four hours a day, seven days a week to answer your call. In response to your call, the Department will take the required action by either dispatching an Officer or requesting you to come to the Department of Public Safety to file an incident report. All reported crimes will be investigated by the College and may become a matter of public record. All Department reports are forwarded to the Office of Student Affairs for review and referral for potential action, as appropriate. Public Safety Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Office of Student Affairs.

If assistance is required by Lancaster Bureau of Police, Manheim Township Police, or the local Fire Department, Public Safety will contact the appropriate unit. If a sexual assault or rape should occur, the Title IX Coordinator will be notified and the victim will be offered a wide variety of services.

See page 120 of this document for a list of important telephone numbers. The Department of Public Safety's phone number, (717) 358-3939 is clearly marked on campus phones in public areas and is prominently listed in the College telephone directory.

## **Criminal Activity Off Campus**

When a Franklin & Marshall College student is involved in an off Campus offense, Department of Public Safety Police Officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Lancaster Bureau of Police and the Manheim Township Police Department have primary jurisdiction in all areas off Campus. Franklin & Marshall Department of Public Safety Officers can and do respond to student-related incidents that occur in close proximity to Campus. The Department's Officers have direct radio communications with the Lancaster Bureau of Police and maintain close relations with Lancaster County-Wide Communications network, fire department, and ambulance services to facilitate rapid response in any emergency situation.

The Department also maintains a close working relationship with other area schools including, but not limited to, Millersville University, Thaddeus Stevens College, Elizabethtown College, Lancaster Bible College, Lancaster Theological Seminary, York College, Harrisburg Area Community College, and all schools visiting Campus. Any incidents involving students or guests from these schools receive reciprocal cooperation and information exchange.

## **Staying Safe**

The Department of Public Safety sponsors educational outreach programs on a variety of topics and is eager to discuss with students and employees some ways in which they might reduce their risks of crime or accident. In student housing, both on and off Campus, members of the Department present educational programs to students to heighten awareness of safety issues related to fire, emergency preparedness, crime, personal safety, alcohol consumption, domestic and dating violence, stalking, and bystander intervention.

## **Self-defense Awareness and Familiarity Exchange (S.A.F.E.)**

Developed by the National Self-Defense Institute, and sponsored by the Department of Public Safety, the S.A.F.E. program is a 2-hour educational awareness, crime prevention program that provides women with information that reduces their risk of exposure to violence and introduces them to the physical aspects of self-defense. S.A.F.E. is specifically designed to teach women to take an active role in their own self-defense and well-being. S.A.F.E. is not a martial arts class.

## **Walking Escort Service**

The Department of Public Safety provides a walking escort service any time, seven days a week, to and from Campus and off Campus buildings, within a stipulated radius of the College. All students, faculty, and professional staff may request the service by calling the Department at (717) 358-3939 or by utilizing the LiveSafe app.

## **Bicycle Registration**

All students who bring bicycles to Campus are required to register them with Franklin & Marshall

College and the Lancaster Bureau of Police. A decal is issued and aids in the recovery if the bicycle is lost or stolen. Bicycles should be securely locked to bicycle racks provided on Campus. For continued bicycle safety, it is strongly advised that students make regular and frequent checks of their bicycles, and use a U-shaped, kryptonite lock to secure the bicycle, not a cable and padlock.

## Training for Intervention Procedures (T.I.P.S.)®

In 1982, Dr. Morris Chafetz, founding director of the National Institute on Alcoholism and Alcohol Abuse developed the first TIPS® program. Initially offered to bartenders and waiters, the response was overwhelming and led to other commercial versions of the program, such as the one offered at Franklin & Marshall College – TIPS for the University®. Public Safety currently offers TIPS® training to students involved in fraternity and sorority life in order to promote safety and responsibility wherever alcohol is served or consumed. The TIPS for the University® program educates students on behavioral cues, intoxication risks, liability issues, and intervention.

## Closed Circuit Television (CCTV)

The College is committed to enhancing best practices of public and private policing with state-of-the-art technology. A component of our security plan is using closed circuit television (CCTV). The College currently has close to 200 CCTV cameras on and around Campus.

Camera #	Location
1	Public Safety, facing Buchanan Park
2	Race Avenue at Chi Phi fraternity
3	Parking lot behind Ware College House
4	Race Avenue, entrance to Weis Lot
5	Race Avenue & Harrisburg Pike
6	West Frederick Street & Lancaster Avenue
7-8	Turf Field
9	College Avenue & West James Street
10	College Avenue & West Frederick Street
11	College Avenue & West New Street
12	West James Street & Pine Street
13	Charlotte Street & West Frederick Street
14	College Avenue & Admissions Lot
15	Life Science Building – Loading Dock
16	Harrisburg Pike & North Pine Street/North Mary Street
17-18	Campus Crossings Parking Lot
19	Brooks Tennis Court

<b>Camera #</b>	<b>Location</b>
20	Williamson Lot Entrance & Harrisburg Pike
21	College Avenue & Harrisburg Pike
22	West Frederick & Pine Streets
23	Lemon Street & College Avenue
24- 25	Shadek- Fackenthal Library
26	Dining Hall
27	West James Street & North Mary Street
28	West James Street & North Charlotte Street
29	Alumni Sports & Fitness Center
30-32	Public Safety
33-34	LSP
35-36	Hackman
37-38	Business Office
39-53	College Hill
54	Hildebrandt Day Care Parking Lot
55-60	Bonchek College House
61-62	Dietz Hall
63-68	Marshall Hall
69-70	Buchanan Hall
71-76	Roschel College House
77-81	Schnader Hall
82-86	Thomas Hall
87-92	Ware College House
93-98	Weis College House
100-106	Mayser Gymnasium
107	Steinman College Center
108	Harris
109-112	Steinman College Center
113-114	Admissions
115-119	Facilities & Operations
120-124	College Square
125-136	Shadek Stadium
137-138	Department of Public Safety Campus Police
139-140	Martin Science Library

Camera #	Location
141-143	ITS
144	West Frederick and Mary Sts
145-146	ITS
147	Harris
148-149	Mayser
150-159	Winter Visual Arts Center
160-161	ASFC
162	Dining Hall
163	Brooks Tennis Courts
164-165	ITS
188-190	Klehr Center
191-193	Black Cultural Center

## Emergency Preparedness

Franklin & Marshall’s Department of Public Safety works in conjunction with the Vice President for Finance and Administration to administer for the College’s emergency response and evacuation procedures. The Emergency Preparedness home page is <https://www.fandm.edu/health-wellness-and-safety/public-safety/prepare/>. We have designed these pages to inform the College Community about emergency preparedness – what to do in advance of a major emergency. We strongly encourage you to become familiar with the information contained on this website.

The site contains basic information and guidelines and each page highlights pertinent information in the event of an emergency that could affect students and the operations at Franklin & Marshall College. We also have prepared a comprehensive Emergency Response and Crisis Management Plan (The Plan) that will be activated in case of a crisis situation. We hope we never have to initiate an emergency plan; however, if the need arises, we want to reassure you that we are prepared, as we will always have the safety and security of our Campus as top priority.

## Procedures for Evacuations

### Building Evacuations:

Natural disasters, such as earthquakes, floods, and catastrophes, such as chemical spills, biological threats, aircraft accidents, or explosions, are potential hazards that can affect any campus. We must be prepared for all of these, as well as human-made crises, which can come in the form of bomb threats, terrorism or violence on campus. Each of the following evacuation plans are meant to provide a safe and efficient method to evacuate part of or the entire Campus in the event of a disaster on or near Campus or to shelter in place.

## **General Population Evacuation**

To be prepared for an emergency, at all times you should:

- Recognize the sound of the evacuation fire alarm.
- Know several ways out of the building.
- Know the predetermined meeting location for your group.

When you hear the evacuation alarm or are verbally instructed by an appropriate authority to begin evacuating the building:

- Make sure that all individuals in your area hear the alarm and evacuate the area by quickly checking nearby restrooms, copier rooms, storage rooms, etc. as you exit.
- Use the nearest stairway. Do not use the elevator.
- Accompany and assist persons with disabilities.
- Shut all doors behind you as you go. Closed doors can slow the spread of fire, smoke and water.
- Evacuate as quickly as possible but in an orderly manner. Do not push or shove. Once outside, move to your predetermined assembly area or follow the instructions of emergency personnel on the scene. Stay away from building entrances to avoid interfering with emergency personnel or equipment.

## **Evacuation Of Persons With Disabilities**

The following information provides basic guidelines for assisting persons with physical disabilities during an emergency evacuation.

The goal is to ensure that people with special needs and/or disabilities that cannot be removed to the outside of a building during an emergency are provided a safe haven until assistance can be provided. Areas of refuge are areas where persons unable to use stairways can remain temporarily to await instructions or assistance during emergency evacuation. Areas of refuge are marked by signage and decals on the floors of the buildings that contain them.

Employees and students who require special assistance, be it temporary or permanent, are encouraged to become familiar with their own facilities' evacuation plans and identify the primary and secondary evacuation route from each building that they use.

Once placed in an "area of refuge", Public Safety, local Police, Fire, or EMS, on the scene must be notified. A detailed location of where the person was placed must be provided. (Building, floor, room number or area.) This will provide rescue personnel the ability to evacuate the person in a timely manner.

## **Above or Below Ground Floor**

Visually Impaired -Tell the person with the visual impairment the nature of the emergency and offer to guide the person to the nearest exit. Have the person take your elbow and escort him/her out of the building. As you walk, advise the person of any obstacles. When you reach your assembly area, orient the person to where he/she is and ask if any further assistance is necessary.



## **Ground Floor**

Persons with physical disabilities should go to the nearest “area of refuge” on their floor.

## **Hearing Impaired**

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

## **Mobility Impaired**

Since elevators should not be used for evacuation during an emergency, persons with mobility impairments need assistance evacuating. Individuals who can walk may be able to evacuate themselves. Walk with the person to provide assistance if necessary. Evacuating individuals who are not able to walk is much more complicated. If there is no immediate danger, take the individual to the nearest “area of refuge” on their floor. Whenever possible, someone should remain with the person while another individual exits the building and notifies emergency personnel of the mobility impaired person’s exact “area of refuge” location. Only in situations of extreme and immediate danger should you try to evacuate a wheelchair user yourself. The person with the disability is the best authority on how he/she should be moved. Ask before you move someone. While it is best to let professional emergency personnel conduct the evacuation, a person with a mobility impairment can be carried by two people who have interlocked their arms to form a ‘chair’ or by carrying the person in a sturdy office chair.

## **Fire Evacuation Procedure**

Upon activation of the fire alarm, persons shall immediately proceed to the nearest exit and evacuate the building. Persons unable to evacuate on their own may proceed to the “area of refuge” located throughout Campus buildings to await assistance. Evacuating persons should ask persons needing assistance if they can help them to the nearest “area of refuge.” You should assist them as requested and notify Franklin & Marshall College Public Safety, local Police, Fire, or EMS where that person is. Be as specific as possible about location so further assistance can be provided. Public Safety can be notified by called (717) 358-3939 or you can call 9-1-1 and notify Lancaster County Control. This will give authorities the opportunity to go to the “area of refuge” and remove the person or persons from the building to a safety.

Franklin & Marshall College has installed a siren that will be sounded when there is a Campus emergency. We recommend that you stay indoors or get to a safe location until you receive instructions from an Emergency Responder via text messaging, email, website or information line. Franklin & Marshall College’s Emergency Alert is an instant, mass notification system powered by RAVE Mobile Safety. The Franklin & Marshall College Emergency Alert System is our effort to better disseminate emergency information via email and text, and is aimed at increasing safety on Campus.

To register:

- Go to the [RAVE sign up page](#) and press Register Now.
- Add the email address or cell phone where you would like to receive notifications.

- If you signed up for text messages, you will be sent to a web page where you must enter the validation code that you receive via text message.
- If you signed up for email alerts, you will be emailed a link to activate the email address.

You only have to register one time. If you have already signed up for email alerts, simply sign in to your account and click “Add under Mobile Contacts.”

## Emergency Telephones and Safety App

Currently there are 38 emergency telephones located across the Franklin & Marshall Campus and adjacent properties. Callers do not have to dial these phones; they are directly connected to the Department of Public Safety. The location of the caller is determined by Public Safety when the phone call begins. Exterior residence hall phones can be used to reach both the Department of Public Safety and residents of the residence hall by dialing their extension. Public Safety conducts inspections of the Campus emergency phone system to ensure it remains in good working condition.

### LiveSafe App

LiveSafe is a personal safety mobile app that Franklin & Marshall College is providing to all students, faculty, and staff for free. The app provides a quick and convenient way to communicate directly with Public Safety officials, enhancing the overall safety on Campus. The app is also intended to be a preventative measure in stopping crimes and incidents before they occur. The main features of the LiveSafe app are:

- Report Tips: Use text picture, video, and audio to send information directly to Franklin & Marshall College Public Safety in real-time about any safety incidents or concerns. You can even use live chat.
- Emergency Options: Call or message 9-1-1 or Franklin & Marshall College Public Safety in an emergency using location tracking for a faster response time.
- StaySafe: Get from place to place safely by using SafeWalk to invite your contacts to “virtually escort” you, allowing them to follow your location on a map as they chat with you. You can request to virtually escort others as well.
- Receive Alerts: Receive important safety notifications and emergency alerts from Franklin & Marshall College Public Safety
- Resources: Access important safety information such as emergency procedures, health and wellness resources, sexual assault resources, and more.

### Steps to Download LiveSafe:

- Search for and download LiveSafe from iTunes or Google Play app stores. Be sure to enable location services and push notifications when prompted.
- Register with your mobile phone number or tap “use email” to sign up with your email instead.
- Follow the verification instructions (either via text if registering with your phone number or via email if using your email account). Once verified, fill out your profile and create a password. Tap “next.”

- Franklin & Marshall’s logo should appear at the top of the list. If not, search for the Franklin & Marshall College logo.

## Timely Warning Notification - Campus Alert

In the event a crime is reported or a situation arises, within the Franklin & Marshall College Clery Geography, that, in the judgment of the appropriate decision makers and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a Campus-wide Timely Warning Notice will be issued. The College will release a Campus Alert in a timely manner which can be used by students and other College Community members to reduce their chances of becoming victims and prevent similar occurrences. Franklin & Marshall College has chosen to send Timely Warning Notifications under the heading “Campus Alert”.

A “Campus Alert” is specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever a Clery Act crime is reported that poses a serious or continuing threat to the Franklin & Marshall College Community —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 when crimes are reported to officials 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 within or immediately adjacent and accessible to the Campus or serious acts of threats in the College’s Clery geography.

When occurring in the College’s Clery geography, Timely Warning Campus Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another
- Manslaughter by Negligence - The killing of another person through gross negligence (if that negligence is believed to be an ongoing threat to the larger Franklin & Marshall College Community)
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger Franklin & Marshall College Community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Campus Alert, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by Department of Public Safety in conjunction with the Title IX Coordinator). In cases involving sexual assault, they are often reported long after the incident occurred, thus there may be no ability to distribute a “Timely” Warning Notice to the Community. All cases of sexual assault, including stranger and non-

stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.

- Major incidents of Arson
- A string of burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another
- Other Clery crimes as determined necessary by appropriate decision makers

The Clery Act does not define what 'timely' is or what information should be included. However, the warning should be issued as soon as the pertinent information is available because the purpose of a Campus Alert is to alert the Campus Community of continuing threats especially concerning safety, thereby enabling Community members to protect themselves. The issuance of a Campus Alert 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. Generally, the Alert 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. Confidential information, such as the name or other identifying information of the victim(s) and other necessary parties will be withheld from the warnings.

Public Safety will generally make the determination, in consultation with other College offices, if a Campus Alert Warning is required. However, in emergency situations, the AVP of Public Safety may authorize a Timely Warning. Documentation of Timely Warnings is maintained by the Department of Public Safety. Campus Alerts are typically written and disseminated by the Associate Vice President of Public Safety or designee.

This information may be disseminated to Campus Community members via a variety of mechanisms or mediums. Franklin & Marshall College will use one or more of the following means depending on the nature of the incident: RAVE Alert System, electronic mail messages, text messaging to cell phones of those enrolled in the service, public announcements, public address system, postings and digital signage, Department of Public Safety website, or other methods deemed necessary that may be used in the information dissemination process. Note: The responsibility of disseminating Campus Timely Warnings rests solely with the institution. The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

## **Emergency Notification - Campus Alert**

An Emergency Notification/Campus Alert can be related to criminal activity that is not subject to the Campus Alert standard required by the Clery Act, and is not necessarily related to criminal activity. Examples of situations that may constitute the College's decision to issue an Emergency Notification/Campus Alert include situations where serious injuries or major disruptions may have occurred and include but are not limited to: building collapse, train derailment, fire, weather-related events, power outages, water emergencies and serious acts or threats to Campus property. When the College follows its emergency notification procedures, it is not

required to issue a Timely Warning Campus alert based on the same circumstances; however, the College will provide adequate follow-up information to the Community as needed.

Franklin & Marshall College uses the RAVE Alert System as its primary emergency notification system to notify students and employees immediately upon the confirmation 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.” Franklin & Marshall College may also use one or more of the following means: RAVE Alert System, electronic mail messages, text messaging to cell phones of those enrolled in the service, Department of Public Safety website, public announcements, fire alarms, public address system, postings and digital signage and other methods deemed necessary that may be used in the information dissemination process. If all of these means fail, and the College deems it appropriate, in person communication may be used to communicate an emergency. To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through <https://www.getrave.com/login/fandm>

If the College determines that notification of audiences other than RAVE subscribers is necessary and appropriate, Franklin & Marshall College’s procedure for disseminating emergency information to the larger Community may include making pertinent information available on the Franklin & Marshall College website, as well as use of its emergency information hotline 888-436-2412 and Public Safety Dispatch (717) 358-3939. In addition, the College will provide emergency information to area broadcast media as appropriate. In some instances, a segment of the Community may be notified if the emergency is limited to the affected segment. The Department of Public Safety and the General Counsel will collaborate to determine the appropriate segment of the Community, if the threat is limited to a particular building or segment of the population.

Franklin & Marshall College will issue Emergency Notifications/Campus Alerts without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. The content of the message will vary depending on the situation and may contain only the information that is reasonably necessary to promote the safety of the Campus Community as dictated by the situation. Confidential information, such as the name or other identifying information of the victim(s) will be withheld from the notifications. At a minimum, the messages will describe the emergency, provide basic instructions to the Community, and will direct them to where they can receive additional information. After the initial notification, follow-up information will be disseminated to the Community via any of the communications listed above, except fire alarms.

The decision to initiate the notification system to disseminate an Emergency Notification/Campus Alert and the content of the notification is made in coordination and consultation by various offices including, but not limited to, Public Safety and Facilities and may include consultation with local responders or reliance on the National Weather Center. In an extreme emergency, the notification process will be implemented at the sole discretion of the College’s Vice President of Finance and Administration and the Associate Vice President of Public Safety. Emergency Notifications/Campus Alerts are typically written and disseminated by the Associate Vice President for Public Safety or designee.

The Department of Public Safety staff is responsible for responding to reported emergencies and confirming the existence of an emergency, sometimes in conjunction with Campus administrators, local first responders, and/or the national weather center.

<b>System to Use</b>	<b>Primary Message Creator</b>	<b>Backup Message Creator</b>	<b>Authority for approving and sending messages</b>	<b>Primary Message Sender/Distributor</b>	<b>Backup Message Sender/Distributor</b>
Primary - Rave/email/text	Associate Vice President for Public Safety	General Counsel	Associate Vice President for Public Safety	Associate Vice President for Public Safety	General Counsel
Secondary – College website	Associate Vice President for Public Safety	General Counsel	Associate Vice President for Public Safety	Vice President for Communications	Vice President and Chief Information Officer

Franklin & Marshall College tests its emergency response and evacuation procedures on an annual basis and publicizes the emergency response and evacuation procedures in conjunction with at least one test per calendar year. Documentation related to testing of the Emergency Notification System is maintained by the Department of Public Safety.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on Campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Documentation related to testing of the Emergency Notification System is maintained by the Department of Public Safety. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

## **Missing Student Policy and Procedure**

Anyone who believes a student to be missing should immediately report her/his concern to Franklin & Marshall College's Department of Public Safety (DPS). This reporting is mandatory regarding a missing student who lives in on-campus student housing. For purposes of this policy, a student will be considered missing, if a roommate, classmate, faculty member, family member or other campus person has not seen the person in a reasonable amount of time. A reasonable amount of time may vary with the time of day and information available regarding the missing person's daily schedule, habits, punctuality, and reliability. Individuals will be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety.

**Missing persons emergency contact information**

Annually, the College will inform students who reside in on-Campus student housing that they have the option to update their general emergency and missing person contacts, even if students provided contacts for the prior year. Students who move into on-Campus student housing any time of the year, will be provided with the option to provide their general emergency and missing person contacts. The general emergency contact may be the same or different than the missing person contacts. Students are not required to designate a separate individual for this purpose and if they choose not to do so then the College will assume that they have chosen to treat their general emergency contact as their missing person contact. To protect confidentiality, general emergency contact information and missing student contact information are kept separate, even if the same person is listed for both purposes.

When students are informed of their option to provide a confidential contact, they are advised that their contact information will be completely confidential, and the information will only be accessible to authorized campus officials and it will not be disclosed, except to law enforcement personnel in the furtherance of a missing person investigation. Students are advised that, in the event a student is under 18 years of age and not emancipated, College officials must notify a custodial parent or guardian within 24 hours of the determination that the student is missing in addition to notifying any additional contact person designated by the student. Students are advised that, for all missing students, the Department of Public Safety will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

**Missing Person Reports**

Any individual on campus who has information that a student may be missing must notify the Department of Public Safety by reporting in person to 609 Old Main Dr., using one of the blue light emergency telephones on campus, calling 3939 from a campus telephone, or calling 717-358-3939. Individuals may also call 9-1-1 to file a report with Lancaster City Police or Manheim Township Police. The Department of Public Safety will assist outside agencies with these investigations as requested.

The Department of Public Safety will gather information about the student from the reporting person and any others that it deems necessary. This investigation may also consist of checking a student's key card access, class attendance, student residence, contacting the student's House Dean, contacting the student's missing student contact, along with other methods to determine the status of the student. Appropriate campus staff may be notified to aid in the search for the student.

If, within 24 hours of the report, the student is not located and is not known to have returned to Campus or is otherwise located, the College will 1) notify the local law enforcement agency, unless the local law enforcement agency was the entity that made the determination that the student was missing, regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor; 2) enter a report into the National Crime Information Center database citing that the student is missing; and 3) notify the missing person contact.

If the student is under the age of 18 and is not an emancipated individual, the Department of Public Safety or the Lancaster City Police/Manheim Township Police will notify both the student's parent/guardian as well as any missing person contact within 24 hours. The College can notify multiple contacts, granted that the student shared them, and may contact additional contacts in any order that the College deems appropriate. Even if a listed contact states that a student is not missing, the College will still contact any additional listed contacts until personal contact with the student is made by the College.

To register a contact, go to:

[https://mydiplomat.fandm.edu/student/my\\_info/](https://mydiplomat.fandm.edu/student/my_info/) /[my\\_info\\_student](https://mydiplomat.fandm.edu/student/my_info/) Choose: My Housing Self-Service, Housing Application

## Security of and Access to Facilities

During business hours, the College (excluding housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all College facilities is by key, a key card if issued, or by admittance via the Department of Public Safety upon approval of the appropriate College staff. During extended closing periods, the College will admit only those who are working with prior written approval to all facilities. Public Safety Officers conduct routine patrols of Campus buildings to evaluate and monitor security related matters.

Residence halls are secured 24 hours a day. Residential facilities are only accessible to building residents and their authorized guests and visitors. Residents are encouraged to avoid allowing unknown individuals access to the residential buildings. Housing staff and the Department of Public Safety Officers monitor security in the residential facilities and encourage building residents to report suspicious or unusual activity.

Over extended breaks, the doors of all halls will be secured around the clock. Some facilities may have individual hours, which may vary at times throughout the year. Examples are the Alumni Sports and Fitness Center, and College libraries. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic are subject to security surveys. Administrators from the Department of Public Safety, Facilities Management, and other appropriate areas, review these results. The surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, members of Facilities Management, Office of College Housing Administration, and the Department of Public Safety meet weekly to discuss issues of concern.

Visitors seeking access to a building for a special event are granted access only by an individual host, a sponsoring department, the Department of Public Safety, or through the College reservation system. Service providers (i.e., maintenance personnel, locksmiths, etc.) visiting the



Campus are required to report to Facilities Management, where their identity is independently verified prior to being issued an ID badge. Students and employees must carry College photo identification cards at all times and must show identification cards to College officials and Public Safety Officers upon request. Please see the Campus Access Policy for additional information about access to and security of the Campus.

## **The Residential System**

Franklin & Marshall College has organized its residential properties into College Houses, Theme Houses, and approved Off-Campus housing. Each College House is assigned a faculty member (House Don) and an administrative facilitator (House Dean). The Dons and Deans oversee a staff of undergraduate House Advisers (HAs). The House Dons and Deans maintain offices in the buildings while the House Advisers (HAs) live in the residence halls. Theme houses are staffed by student House Managers who live in the building. Student Community Advisers live in specific off campus, apartment style buildings. They are chosen to help foster a sense of community and are a point of contact for residents in the larger housing buildings.

House Dons, Deans, House Advisors, and House Managers complete training programs covering general crime prevention, campus safety, emergency preparedness and security procedures, issues of diversity, drug and alcohol awareness, fire safety and many other topics.

Staff from the Department of Public Safety present educational programs to the HAs to heighten staff awareness of safety issues related to fire, crime, emergency preparedness and personal safety, including alcohol consumption, sexual assault, domestic violence dating violence and stalking. Programs on residence hall security, general crime prevention, and campus security procedures and practices are offered to students when they arrive on Campus, and during the three-day New Student Orientation.

### **Types of Housing Available**

The student body lives in housing on Campus, themed/special interest housing, College Row, College Hill, James Street Properties, Greek housing, or College-approved private landlord properties. Approximately 2,250 students may be housed in the college's portfolio of housing. Apartments with single occupancy are available on and off Campus, but most rooms are doubles, singles and suites. All residential hall rooms are single-gender. However, entire floors, halls, some suites and some apartments can be co-ed. Gender neutral housing requests are handled on a case by case basis. Each College House may offer limited substance-free housing, if desired, by the students living in the house. Approximately 750 students (juniors and seniors) are housed with partners in Off-Campus apartment housing.

### **Housing Assignments**

First-year students reside in the College Houses on Campus, while sophomores live either in their College House, Residence Hall Annex, or in themed housing. Juniors and Seniors may select from available spaces in the College Houses, Theme Houses, College Row, College Hill or the James Street Properties. Students who request a room change within College-owned housing must

meet with their House Dean or the Director of Housing, for approval. Students who request approval for a special exception to the residential policy to live in Off-Campus housing must live in college-approved private landlord properties.

### **Security Features**

All residential buildings are locked 24 hours a day. Exterior On-Campus residence hall doors are controlled by a proximity access system. Students carry a key card, which allows them access to the building where they reside. The access system also has an electronic alert, which warns when a door has been propped open. Public Safety Officers patrol the residence hall areas to detect and to close any propped doors or open windows. The propping open of residence hall exit doors is against College policy and may result in disciplinary action for students found to be responsible.

Windows may be locked from the inside and individual rooms are locked by single-cylinder, institutional-grade dead bolts that lock automatically when closed. Students living in On-Campus College housing have a key card to the residence hall and a randomly numbered key to their individual room. Students who lock themselves out of their room may, after they have properly identified themselves, arrange for a Security Officer to unlock their door for a fee. If a room key or residence hall entrance key card is lost and there is a possibility that the key will be recovered and used in an improper manner, that lock will be changed. Periodically, all exterior residence hall door locks are changed. Each room has a peephole on the door. Also, all ground floor rooms and all first-floor accessible windows have security screens.

Students are permitted to have short-term overnight guests. When entering a residence hall, guests are required to be accompanied by the resident. Students are responsible for making the College's rules and regulations known to their guests and must accept responsibility for their guests' conduct during their visit. A Public Safety Officer will take appropriate action, if needed, and will interview any unauthorized person found in a residence hall.

Students may remain on Campus over a long break with prior permission from the Director of Housing. All residential buildings are locked and patrolled during low-occupancy periods. During summer sessions, enrolled students are housed separately from conference groups in Off-Campus theme houses. Only a small number of authorized College administrators and staff have access to the residential buildings.

Absent an emergency, College personnel including housekeepers, Facility Management staff, and Public Safety may not enter an individual room without the resident's permission. If a maintenance work order is filed, staff will enter the room to complete the work as necessary. When Public Safety personnel enter a student's room, the student, House Dean, or a House Advisor (HA) is usually present. Public Safety personnel may search a student's room only after receiving permission to do so from the Vice President of Student Affairs or his/her designee.

### **Maintenance of Buildings and Grounds**

The Facilities Management Staff is responsible for maintaining the buildings and grounds with a concern for public safety. The Department of Public Safety assists in the maintenance of the

buildings and grounds by regularly notifying Facilities Management personnel of potential safety hazards such as broken windows, locks, and burned-out lights that are found during daily rounds. Public Safety also conducts weekly inspections of the outdoor lighting system. The findings are submitted in writing to Facilities Management, which promptly makes those repairs affecting safety. The Facilities Management staff also provides an on-call system for handling emergencies occurring outside of regular business hours.

## **Fire Safety**

Fire safety and education are important components of the College's mission. Fire safety procedures are explained to students at the beginning of each academic year and are reviewed periodically. Additionally, all Campus residence halls, and academic and business buildings are given up to four (4) fire evacuation drills per year. These drills are conducted randomly under the supervision of Franklin & Marshall's Department of Public Safety and Department of Environmental Health and Safety and Risk Management. Safety checks of alarm and emergency lighting systems and egress routes in the residence halls, academic, and business buildings are conducted throughout the year. The Campus buildings are equipped with smoke detectors; pull stations, sprinklers and other emergency equipment. Fire extinguishers are inspected and serviced annually by a licensed professional and fire (sprinkler and alarm) systems are inspected and maintained quarterly. All Campus housing is equipped with smoke detectors, pull stations and sprinkler systems. Fire safety and fire extinguisher training is available to all students, faculty, and staff upon request.

## **Weapons, Explosives, and Hazardous Materials Policy**

Weapons include, but are not limited to: handguns, rifles, shotguns, and other firearms of all types, air guns, pellet guns, paint guns, and BB guns; axes, swords, and knives of any kind other than eating utensils; bows and arrows, cross bows, and any archery equipment (except equipment owned by Franklin & Marshall College when possessed or used in the course of instructional programs); fireworks or ammunition of any kind; any martial arts or security equipment of a dangerous nature, including Chinese stars, nun chucks, brass knuckles, spiked gloves electronic stun devices, Taser guns, weapons constructed from "3D" printers and any other items which, in their intended use, are capable of inflicting serious injury.

Weapons are inconsistent with the educational purposes of the College and have no place in the College Community. Consequently, Franklin & Marshall College strictly prohibits the possession, use, or introduction of weapons everywhere on Campus or any College owned or operated property. It is a violation of College policy for any student, faculty member, employee, or visitor to possess any weapon or to introduce any weapon into the College Community without the express prior written permission of the Associate Vice President of Public Safety.

Lancaster City's ordinance restricts the use of fireworks on public property or within 150 feet of an occupied structure. Fireworks are also a violation of College regulations. Persons involved in possessing, supplying, or exploding firecrackers or setting fires are subject to expulsion from the

College. Additionally, chemicals and flammable liquids and gasses (including paint, varnish, etc.) shall neither be stored nor used in the residence halls.

## **Prohibited/Dangerous Substances**

It shall be a violation of the College policy for any student, faculty member, employee, or visitor to possess any 'Prohibited/Dangerous Substance' or introduce any such item into the College Community. Prohibited/Dangerous Substances include but are not limited to: explosives of any type; compounds (moldable putty or powder), liquid solvents, gasses, components of any type, caps, wiring, timers, remote devices, or other explosives. Devices, as defined for this policy, as being any mechanism, which could be detonated to cause an explosion resulting in death, injury or property damage.

Possession is defined as physical possession on the person, or placing or keeping a weapon at any location on the College Campus, including an individual's living quarters or workplace, in any vehicle, or in an individual's container (including, but not limited to, backpacks, briefcases, purses, wallets, bags, and luggage).

Anyone found in possession of any of the aforementioned items on Campus or in any College building, will be found in violation of the regulations which may result in administrative action from the College and/or prosecution under the appropriate laws.

## **Criminal Records Checks**

### **Newly Appointed Staff Members**

The College completes a criminal background check, including a search of the Sex Offender Registry, on behalf of newly appointed members of the exempt and non-exempt professional staff and College volunteers, to help assure the safety of members of the Campus Community. Background checks are conducted immediately upon hire and before a newly appointed staff member may begin working on Campus. All full-time, part-time, temporary, and unpaid (volunteer) staff appointments are contingent upon satisfactory completion of a criminal records check. The newly appointed staff member is required to provide written authorization for the criminal records check as a condition of employment. Human Resources initiates and coordinates these checks.

All temporary, part-time, full-time, and unpaid (volunteer) professional staff appointments are contingent upon satisfactory completion of a criminal records check. Such checks are conducted immediately upon hire and before the new staff member/volunteer may begin working on Campus.

Criminal record reports for part-time personnel employed within the Floyd Institute are maintained by the Office Manager of the Floyd Institute and the Office of Human Resources.

Criminal background checks include:

- validation of the individual's Social Security Number,
- a search for felony and misdemeanor convictions from the records of up to 10 county criminal courts, from the past 7 years,
- a check of the Sex Offender Registry

### **Those Working with Minors**

The College also conducts a criminal record check and check of a Sex Offender Registry for Franklin & Marshall faculty, professional staff, College volunteers, and Franklin & Marshall students who, during the course of their College employment or in conjunction with their educational program, will supervise non-F&M students who are under the age of 18 or have not yet completed high school.

Franklin & Marshall faculty, professional staff, and College volunteers must notify Human Resources at least 2 months in advance of when they will begin their work with a minor. Human Resources will then initiate the background check. Franklin & Marshall students are to notify Human Resources at least two months in advance of their work with minors, so a background check can be initiated. (See the [Protection of Minors Policy](#)).

## **Sex Offender Registration**

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amended the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, The Clery Act, and the Family Educational Rights and Privacy Act of 1974 Franklin & Marshall College's Department of Public Safety provides a link to the Pennsylvania State Police Sex Offender Registry, also known as Pennsylvania Megan's Law. This Act requires that institutions of higher education advise a Campus Community on the whereabouts of information regarding registered sex offenders. Persons who are registered sex offenders must also disclose this information to the institution of higher education where they are employed, carry a vocation, or are a student.

Information may also be obtained by calling the State Police Megan's Law unit at (866) 771-3170. This information, as well as who has to register, and the sexually violent predator list, is also available online at Pennsylvania's Megan's Law. In addition, similar information for the Lancaster area (including Franklin & Marshall College) can be obtained by contacting the Lancaster City Police Department at (717) 735-3300.

## **Drug and Alcohol Policies and Education Programs**

The College expects students, faculty, and employees to comply with all federal, state, and local laws and with College policies regarding the possession, use and sale of alcohol and controlled substances (illegal drugs). Franklin & Marshall College prohibits the unlawful possession, use, and sale of alcoholic beverages and illegal drugs on Campus. Franklin & Marshall College Department of Public Safety enforces State underage drinking laws and enforces Federal and State drug laws. The College expressly prohibits the presence of controlled substances on any part of Campus, any

College owned or operated property, or at any College-sponsored activity.

Additionally, no individual under the age of 21 may possess, on Campus, any College owned or operated property, or at any College-sponsored activity, for consumption or other purpose, any alcoholic beverage, nor may any individual supply an individual who is under the age of 21 with any alcoholic beverage while on Campus, any College owned or operated property, or any College-sponsored activity. For further details, students may refer to the Alcohol and Drug Policy in the College Life Manual. Employees may refer to the Alcohol and Other Drugs Policy for employees online under Human Resources Health and Wellness Policies.

The Department of Public Safety has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

## Drug Free Schools and Communities Act

In compliance with The Drug Free Schools and Communities Act, Franklin & Marshall publishes information regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for students and employees. A complete description of these topics is included in The College's Drug and Alcohol Abuse Prevention Program Report, which is distributed annually to all students and employees. This report can be found on Franklin & Marshall College's website at [https://www.fandm.edu/\\_resources/pdfs/2023-Drug-and-Alcohol-Abuse-Prevention-Program-Report.pdf](https://www.fandm.edu/_resources/pdfs/2023-Drug-and-Alcohol-Abuse-Prevention-Program-Report.pdf).

Drug and alcohol education programs are available to students and employees. Throughout each academic year, programs and lectures on substance abuse are offered to the entire College Community. These courses educate students about the harmful effects of alcohol, raises retention rates, and acts as a prevention tool for future alcohol-related violations. Students may receive personalized feedback and access to self-referral tools.

Franklin and Marshall College offers a variety of alcohol and drug prevention and awareness programs and campaigns for our new and returning students. Content is updated as necessary and on a regular basis.

These include the following:

Date Held	Name of Program	Subject Matter	Location	Target Audience
August 22, 2023	CARON presentation to House Advisors -	Alcohol Education from Caron; preventative	Booth Ferris	HAs
August 22, 2023	CARON presentation to New Students -	Alcohol Education from Caron; preventative	Booth Ferris	New Students

<b>Date Held</b>	<b>Name of Program</b>	<b>Subject Matter</b>	<b>Location</b>	<b>Target Audience</b>
September 28, 2023	Campus Hour: The Underground: Hazing Culture Behind Closed Doors	Hazing prevention, sexual violence prevention/D&A awareness	Adams Auditorium	Students, FPS
September 28, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	“Healthy Choices, Healthy Teams” hazing prevention and risky behavior prevention education	Stahr Auditorium	All F&M student-athletes
September 28, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M wrestling team
October 12, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M men’s basketball team
October 26, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M women’s lacrosse team
November 2, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M men’s lacrosse team
November 2, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M men’s and women’s rowing
November 9, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M baseball team
November 12, 2023	Consent & Chocolate	Consent education	Booth Ferris	Alpha Xi Delta
November 16, 2023	Conversations with the Campus Advocate	Alcohol and consent	ADWC	All Campus

<b>Date Held</b>	<b>Name of Program</b>	<b>Subject Matter</b>	<b>Location</b>	<b>Target Audience</b>
November 16, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M softball team
November 16, 2023	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc	Mayser	F&M men's and women's tennis
January 8, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M volleyball team
January 9, 2024	Bringing in the Bystander	Bystander intervention	Mayser film suite	Men's and Women's Squash
January 11, 2024	Bringing in the Bystander	Bystander Intervention	Shadek Stadium	Men's Track
January 11, 2024	Bringing in the Bystander	Bystander Intervention	Shadek Stadium Club	Women's Track
February 8, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M football team
February 15, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M men's soccer
February 22, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M women's soccer



Date Held	Name of Program	Subject Matter	Location	Target Audience
February 29, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M men's and women's swim
March 18, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M men's and women's track and field (and cross country)
March 23, 2024	Bringing in the Bystander	Bystander Intervention	Stager 108	Chessmen a'cappella group
April 15, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser.	Make up session for F&M men's and women's swim athletes
April 18, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc	Mayser.	Make up session for F&M men's and women's swim athletes
April 18, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc	Mayser.	F&M women's basketball
April 20, 2024	CARON Treatment Centers On-Campus Specialist within Athletics	Team presentation, focusing on general wellness and alcohol and drug prevention education, effects on athletic performance, etc.	Mayser	F&M women's golf

In addition to the above listed programs, the College also provides additional resources and requires specific actions from specified groups. Some examples are:

- College Sponsored Education and Growth Programs for Fraternities and Sororities.
- The College provides speakers, educational experiences and instructional programs in five topical areas: Hazing; Social Event Management and Risk Reduction; Alcohol and Other Drugs; Healthy Gender Relations and Sexual Misconduct and Leader/Leadership Development.
- In the 2023/2024 academic year, the Department of Athletics contracted the Caron Foundation to work with student athletes who request or are referred for substance education and counseling.
- Franklin and Marshall College also requires parties where alcohol is served, to be registered if twenty (20) or more students are invited. This form must be submitted to the Office of Student Affairs of the College. Party and alcohol hosts must remain sober and are held responsible for rules and guest behavior.
- Two-week “no first-years allowed” policy at the beginning of the Fall semester for all organizations and private party hosts
- F&M has subscribed to online educational modules through the Open Path Collaborative to provide free course content to students related to substance use, healthy relationships, mental health and many other topics.
- A new multidisciplinary team, co-chaired by the Director Care Coordinator and Violence Prevention and Assistant Director of Athletics has been charged with campus-wide programming related to substance use and mental health.
- Peer education team
- Wellness courses and recreational activities
- On-going wellness workshops for entire campus community
- Group discussions for organizations and athletic teams
- Active flier campaign
- 1-on-1 mentoring and coaching
- Campus-wide mindfulness initiative
- Robust behavior intervention team (“DipCares”) that meets weekly to discuss students of concern.
- Substance education programs open to all students each semester facilitated by staff from the Caron Foundation
- Fully-staffed counseling and medical department managed by Lancaster General Hospital: “Lancaster General Health at Franklin & Marshall”
- MOU with addiction prevention and treatment organization, Caron. Services include:
  - Workshops for students who have had minor-level substance violations
  - substance counseling for students
  - Consultation with residential staff
  - Late-night programming initiative to offer substance free social options
- Training of paraprofessional House Advisor staff to assist with prevention, outreach, and crisis response

- Regularly administered alcohol and drug surveys collect data on student AOD-related behaviors and perceptions of services
- Annually notify each employee and student, in writing, of standards of conduct; a description of appropriate sanctions for violation of federal, state, and local law and Campus policy; a description of health risks associated with alcohol and substance use; and a description of available treatment programs.
- Online education about alcohol, drug, and sexual health for all new students prior to arrival.
- New Student Orientation includes facilitated conversations about alcohol and drug issues the first night of orientation. Conversations are co-led by residential Deans and Public Safety personnel.
- Mandatory training for organization leaders and private event hosts, including private parties, to assist with prevention of party-related substance problems
- Drug testing for varsity student athletes

## **Crime Prevention and Security/Safety Awareness Programs**

The College provides a variety of primary prevention and awareness programs for incoming students and new employees. During orientation, students are informed of services offered by the Franklin & Marshall Department of Public Safety. Presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on Campus and in surrounding neighborhoods. During monthly New Employee Orientation, community members are instructed about safety awareness and security procedures.

A common theme of all security awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

Crime prevention programs, emergency preparedness programs, and sexual assault prevention programs are offered on a continual basis through the College's ongoing prevention and awareness campaigns for students and employees.

Throughout the academic year the Department of Public Safety, in collaboration with offices and student organizations, hold training, education, and awareness programs on Campus. Some of the Office and student organizations that have conducted or sponsored programs include the Title IX Coordinator, the Wellness Center, the Alice Drum Women's Center, LGBTQ+ Student Life, the DEI Office, the Dean of Students Office; Dipcares, and the Peer Health Educators. These programs include crime prevention awareness, sessions on sexual assault, programs to prevent domestic violence, dating violence, stalking, drug/alcohol abuse, theft and vandalism.

Educational sessions are also provided on personal safety, residence hall security, and bystander intervention, which encourage accurate and prompt reporting of all crimes to the Department of Public Safety and the appropriate law enforcement agency when the victim of a crime elects to or is unable (physically/mentally) to make such a report. The Title IX Coordinator trains all

Campus tour guides on Franklin & Marshall College policy and procedures.

The College held over fifteen (15) crime prevention and security awareness programs during the 2023- 2024 academic year, which included Self-defense Awareness and Familiarization Exchange (S.A.F.E.) classes. TIPS classes are conducted for Greek life members to help promote safety and responsibility wherever alcohol is consumed or served. Situational awareness, housing safety tips, Active Threat, general safety, and alcohol hosting and liability are some of the topics discussed during these programs.

The College also provides the Livesafe app to all students, faculty, and staff. The app provides a quick way to communicate directly to the Department of Public Safety to request help, share information, receive information, thus allowing a way for people to be responsible for their own security and the security of others.

The Department of Public Safety provides walking escorts when requested for locations On Campus and to student Campus housing. For a current list of programs available through the Department of Public Safety or to request a program, please visit our website at <https://www.fandm.edu/health-wellness-and-safety/public-safety/>.

In addition, the College provides the following services and programs to improve safety on campus and to educate the community about security issues:

- Run, Hide, Survive– The Department of Public Safety and Franklin & Marshall College have incorporated the principles of “Run, Hide, Fight” into their Active Shooter training program. Members of the College Community are taught proactive strategies which individuals can apply in active shooter situations. The goal of this training is to help save lives by training students, faculty, and staff with skills that will bridge the gap between the time a violent incident begins and law enforcement arrives.
- F&M Nightly Shuttle –The F&M Nightly Shuttle runs between 9:00 p.m. and 1:00 a.m. Sunday through Thursday and 10:00pm – 2:00am on Fridays and Saturdays when in person classes are in session. The F&M Nightly Shuttle is available to transport students to both On Campus libraries, several of the residence halls, and various points along West James St, West Frederick St, West Lemon St. The F&M Nightly Shuttle is free of charge and operates on a published route.
- Personal Safety — Informational sessions on personal safety, crime and violence prevention, crisis and emergency management planning, residence hall safety, rape prevention, self-defense, fire safety, and first aid/CPR are offered on campus. Contact the Department of Public Safety at (717) 358-3939 for more information
- Self-defense training is available to employees and students. This training includes awareness, prevention, risk reduction and avoidance strategies, as well as options available during a confrontation or attack. Trained Department of Public Safety Officers teach self-defense training

- Bicycle Registration - The bicycle registration program is a free service for students. To register your bike, visit the Public Safety office.

## **Jeanne Clery Disclosure Of Campus Security Policy And Campus Crime Statistics Act, As Amended By The Violence Against Women Reauthorization Act Of 2013**

### **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

Franklin & Marshall College prohibits the offense of domestic violence, dating violence, sexual assault and stalking, which are also prohibited by the Violence Against Women Reauthorization Act of 2013 (VAWA) and reaffirms its commitment to maintaining a Campus environment that emphasizes the dignity and worth of all members of the College Community. Toward that end, Franklin & Marshall College issues this statement of policy to inform the Campus Community of our programs to address domestic violence, dating violence, sexual assault and stalking, as well as, the procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off Campus when it is reported to a College Official.

### **Confidentiality**

Victims may request that directory information on file with the College be withheld by contacting the Registrar's Office at (717) 358-4168. Regardless of whether a victim has opted out of allowing the College to share "directory information," personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need to know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures.

The College will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)). The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice/Campus Alert is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

By only sharing personally identifiable information on a "need to know" basis, the College will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to

provide the accommodations or protective measures.

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for employees and students. The programs emphasize:

- Franklin & Marshall College prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking as defined by the Clery Act.
- Understanding the definitions of domestic violence, dating violence, sexual assault, and stalking according to the applicable jurisdiction (as described in “Federal Definitions, Jurisdictional Definitions, and Franklin & Marshall Definitions” starting on page 52 in this document.
- The behaviors and actions that constitute consent in reference to sexual activity in Pennsylvania can be found on page 54 in this document.
- Franklin & Marshall College’s definition of consent and the purposes for which that definition can be used can be found on page 56 in this document.
- Bystander Intervention – Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harms or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening and identifying safe and effective intervention options, and taking action to intervene.
- Risk reduction- Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Information regarding:

Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs as described in “Immediate Steps to Consider if a Sexual Assault, Domestic Violence, Dating Violence or Stalking Has Occurred”:

- “Immediate Steps to Consider if a Sexual Assault, Domestic Violence, Dating Violence or Stalking Has Occurred” on page 61 in this document.
- The College will protect the confidentiality of victims and other necessary parties as described in “Privacy and Confidentiality” on page 96 in this document.
- Counseling, mental health, health, victim advocacy, legal assistance, visa and immigration

assistance, student financial aid, and other services available for victims, both within the College and in the Community as described in “Supportive Measures” on page 97 in this document.

- Options for available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures as described in “Supportive Measures” on page 97 in this document.
- Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking as described in “Sanctions” on page 80 in this document.

## Primary Prevention and Awareness Programs

Specifically, the College offered the following **primary prevention and awareness programs** for all **incoming students** in school year 2023 – 2024. Programs include prevention of domestic violence, dating violence, stalking, and sexual assault.

Date	Name of Program	Location Held	Topic
August 2023	Sexual Assault Prevention Training	Online	Sexual Violence Prevention to include domestic violence, dating violence, stalking, and sexual assault
August 2023	Sex Signals	Barshinger	Sexual Violence Prevention
September 2023	Bringing in the Bystander training	Campus	Sexual Violence Prevention to include domestic violence, dating violence, stalking, and sexual assault
January 2024	Sexual Violence Prevention & Response Overview	Weis Great Room	Title IX awareness, consent education, sexual violence education, resource overview

The College offered the following **primary prevention and awareness programs** for all **new employees** in school year 2023 – 2024. Programs include prevention of domestic violence, dating violence, stalking, and sexual assault.

Date	Name of Program	Location Held	Topic
Monthly	HR New Employee Orientation	Campus	Title IX, Clery, and Risk Reduction to include domestic violence, dating violence, stalking, and sexual assault preventions and education.

Date	Name of Program	Location Held	Topic
August 2023	Title IX for New Faculty	Campus	Title IX to include domestic violence, dating violence, stalking, and sexual assault prevention and education
August 2023	Vector Title IX and Sexual Harassment	online	This introductory course is designed to provide postsecondary staff members with information about the importance and implications of Title IX and sexual harassment, including sexual assault. Topics covered include the definition of sexual harassment, Title IX's regulations and obligations, and the elements of effective policies
August 2023	Violence Prevention Partners Panel	Booth Ferris	Introduction/overview of YWCA and DVS advocates, WEVP, and Title IX

### Ongoing Prevention and Awareness Campaigns

The College offered the following **ongoing awareness and prevention programs** for **students** in school year 2023 – 2024. Programs include prevention of domestic violence, dating violence, stalking, and sexual assault.

Date	Name of Program	Location Held	Topic
August 21, 2023	Responding to incidents, including Title IX	LSP 142	Title IX
August 23, 2023	Advocacy and Violence Prevention Resources Panel	Booth Ferris	Resource Awareness
September 6, 2023	Bringing in the Bystander	Stahr Auditorium	Sexual violence prevention and bystander intervention
September 9, 2023	Wellness Fair	ASFC	Resource Awareness
September 12, 2023	Bringing in the Bystander	Stahr Auditorium	Sexual violence prevention and bystander intervention



Date	Name of Program	Location Held	Topic
September 13, 2023	YWCA Info Table	Steinman College Center	Resource Awareness
September 13, 14, 18, and 19, 2023	S.A.F.E (Self Defense Awareness & Familiarization Exchange) 1 ½ hour program designed to provide educational awareness, and to introduce the aspects of self- defense to students and staff.	Campus	Sexual Violence Prevention to include domestic violence, dating violence, stalking, and sexual assault
September 28, 2023	CAMPUS HOUR: The Underground: Hazing Culture Behind Closed Doors	Adams Auditorium	Hazing prevention, sexual violence prevention/D&A awareness
October 12, 2023 – October 16, 2023	Silent Witness Exhibit/Peer Educator table	Steinman College Center	Traveling exhibit that raises awareness about domestic and dating violence.
October 18, 2023	YWCA Info Table	Steinman College Center	Resource Awareness
October 26, 2023	Domestic Violence Awareness Month - Pumpkin Painting	Hartman Green	Peer Educators engaged students through trivia activity to raise awareness about domestic and dating violence and highlight resources
November 8, 2023	Conversations with the Campus Advocate	ADWC	Healthy boundaries
November 9, 2023	Bringing in the Bystander	Stager 112	Bystander intervention
November 10, 2023	Wellness Jeopardy	Roschel Great Room	Healthy relationships, sexual wellness, wellness resource awareness
November 12, 2023	Consent & Chocolate	Booth Ferris	Consent education

Date	Name of Program	Location Held	Topic
November 15, 2023	YWCA Info Table	Steinman College Center	Resource Awareness
November 16, 2023	Conversations with the Campus Advocate	ADWC	Alcohol and consent
November 28, 2023	Conversations with the Campus Advocate	ADWC	Impact of sexual & relationship violence on survivors
December 1, 2023	Responding Effectively to Disclosures of SV	ADWC	Responding to sexual violence
December 6, 2023	Coffee Hour with Campus Advocate	Harris 001	Resource awareness
December 8, 2023	Consent & Chocolate	Phi Kappa Psi house	Consent education
December 21, 2023	YWCA Partnership Overview	Virtual	Sexual violence resource awareness
January 9, 2024	Bringing in the Bystander	Mayser film suite	Bystander intervention
January 11, 2024	Bringing in the Bystander	Shadek Stadium Club	Bystander intervention
January 23, 2024	Stalking Awareness Month Info Table	Steinman College Center	Stalking awareness
January 30, 2024	Sexual Violence Prevention & Response Overview	Weis Great Room	Title IX awareness, consent education, sexual violence education, resource overview
January 30, 2024	DVS Info Table	Steinman College Center	Stalking awareness, DVS resource awareness
January 30, 2024	Stalking Info Table	Steinman College Center	Stalking awareness
January 31, 2024	YWCA Info Table	Steinman College Center	YWCA resource awareness

Date	Name of Program	Location Held	Topic
January 31, 2024	YWCA Info Session	Roschel College House	YWCA resource awareness
February 3, 2024	Title IX Training	OSEL	Title IX overview
February 7, 2024	YWCA Information Session	Roschel College House	Resource Awareness
February 9, 2024	YWCA Info Session	Bonchek College House	YWCA resource awareness
February 14, 2024	Healthy Relationships Info Table	Steinman College Center	Recognition of red flags of unhealthy or abusive relationships; healthy relationship behaviors
February 14, 2024	Sexual Violence Prevention & Response Overview	Stager 316	Overview of Title IX and Violence Prevention
February 14, 2024	Valentine's Day Activity Table	Steinman College Center	Healthy Relationships
February 20, 2024	Consent & chocolate	Stahr Auditorium	Consent education
February 20, 2024	One Love Jeopardy	Ben's Underground	Healthy relationship education
February 20, 2024	WEVP & YWCA Overview	Booth Ferris	Overview of YWCA and WEVP services
February 21, 2024	YWCA Overview	Student Wellness Center	Overview of YWCA services
February 25, 2024	Consent & Chocolate	Stager 105	Consent education
March 20, 2024	YWCA information Session	Ware College House	Resource Awareness
March 23, 2024	Bringing in the Bystander	Stager 108	Bystander intervention
March 27, 2024	YWCA Overview	Brooks Great Room	Overview of YWCA services

Date	Name of Program	Location Held	Topic
March 28, 2024	LGBTQ+ Sexual Violence Info Table	Steinman College Center	CPJ Block Party
March 28, 2024	CPJ Block Party	Steinman College Center	Resource Awareness; Sexual Violence Awareness
March 30, 2024	Hear Us Now info table/ticket sales	Steinman College Center	Sexual Violence Awareness
April 2, 2024	LGBTQ+ Sexual Wellness Workshop	ADWC	Healthy relationships, sexual health, consent
April 2, 2024	Hear Us Now info table/ticket sales	Steinman College Center	Sexual Violence Awareness
April 3, 2024	YWCA Info Table	Steinman College Center	Overview of YWCA services
April 4, 2024	Hear Us Now info table/ticket sales	Steinman College Center	Sexual Violence Awareness
April 7, 2024	Open Gym for Women and Gender Minorities	ASFC	Resources Available
April 10, 2024	I love Title IX and So Should You	Steinman College Center	Title IX overview
April 10, 2024	Healthy Relationships Bingo	The Hub	Healthy, unhealthy, and abusive relationship behaviors
April 15, 2024	Bringing in the Bystander	Harris 102	Bystander intervention
April 16, 2024	WEVP Overview	Harris 002	Information about WEVP, resources for support
April 16, 2024	LGBTQ+ Sexual Wellness Info Table	Steinman College Center	Healthy relationships, consent, sexual and repro health
April 17, 2024	Supporting Survivors Workshop	LSP	Best practices for supporting survivors of sexual violence
April 18, 2024	Take Back the Night	Mayser	Sexual Violence Awareness; Resource Awareness

Date	Name of Program	Location Held	Topic
April 19, 2024	Hear Us Now benefit concert	Ben's Underground	Resource awareness, sexual violence awareness
April 24, 2024	Denim Day	Steinman College Center / online via social media	Sexual assault awareness
April 24, 2024	Learn How Forensic Nurses Support Survivors of Sexual Violence	Steinman College Center	Resource Awareness; Sexual Violence Awareness
April 26, 2024	Coffee & Consent	Harris 001	Consent education resources available for student pick-up

The College offered the following **primary prevention and awareness programs** for all **employees** in school year 2023 – 2024. Programs include prevention of domestic violence, dating violence, stalking, and sexual assault.

Date	Name of Program	Location Held	Topic
Online, ongoing	Title IX and Sexual Harassment Vector training	Online	Employee training on issues of Title IX and sexual harassment
September 6, 2023	Bringing in the Bystander	Stager 102	Sexual Violence Prevention
September 9, 2023	Wellness Fair	ASFC	Resource Awareness
September 12, 2023	Bringing in the Bystander	Stahr Auditorium	Sexual violence prevention and bystander intervention
September 13, 2023	YWCA Info Table	Steinman College Center	Resource Awareness

Date	Name of Program	Location Held	Topic
September 13, 2023	S.A.F.E (Self Defense Awareness & Familiarization Exchange) 1 ½ hour program designed to provide educational awareness, and to introduce the aspects of self- defense to students and staff.	Campus	Sexual Violence Prevention to include domestic violence, dating violence, stalking, and sexual assault
September 14, 2023	S.A.F.E (Self Defense Awareness & Familiarization Exchange) 1 ½ hour program designed to provide educational awareness, and to introduce the aspects of self- defense to students and staff.	Campus	Sexual Violence Prevention to include domestic violence, dating violence, stalking, and sexual assault
September 18, 2023	S.A.F.E (Self Defense Awareness & Familiarization Exchange) 1 ½ hour program designed to provide educational awareness, and to introduce the aspects of self- defense to students and staff.	Campus	Sexual Violence Prevention to include domestic violence, dating violence, stalking, and sexual assault
September 18, 2023	S.A.F.E (Self Defense Awareness & Familiarization Exchange) 1 ½ hour program designed to provide educational awareness, and to introduce the aspects of self- defense to students and staff.	Campus	Sexual Violence Prevention to include domestic violence, dating violence, stalking, and sexual assault

Date	Name of Program	Location Held	Topic
September 19, 2023	Presentation on TIX mandated reporting and role as a CSA at professional development lunch	Dining Hall	TIX and Clery to include domestic violence, dating violence, stalking, and sexual assault prevention and education
September 27, 2023	Title IX and ADA information meeting for academic departments	LPS 130	Psychology Department
October 11, 2023	Title IX and ADA information meeting for academic departments	Stager 221	Computer Science Department
October 18, 2023	YWCA Info Table	Steinman College Center	Resource Awareness
October 26, 2023	Domestic Violence Awareness Month - Pumpkin Painting	Hartman Green	Peer Educators engaged students through trivia activity to raise awareness about domestic and dating violence and highlight resources
November 8, 2023	Conversations with the Campus Advocate	ADWC	Healthy boundaries
November 9, 2023	Bringing in the Bystander	Stager 112	Bystander intervention
November 10, 2023	Wellness Jeopardy	Roschel Great Room	Healthy relationships, sexual wellness, wellness resource awareness
November 14, 2023	Title IX and ADA information meeting for academic departments	Stager	Program for Language Studies Council
November 15, 2023	YWCA Info Table	Steinman College Center	Resource Awareness

Date	Name of Program	Location Held	Topic
November 16, 2023	Conversations with the Campus Advocate	ADWC	Alcohol and consent
November 28, 2023	Conversations with the Campus Advocate	ADWC	Impact of sexual & relationship violence on survivors
December 6, 2023	Coffee Hour with Campus Advocate	Harris 001	Resource awareness
January 23, 2024	Stalking Awareness Month Info Table	Steinman College Center	Stalking Awareness
January 30, 2024	Sexual Violence Prevention & Response Overview	Weis Great Room	Title IX awareness, consent education, sexual violence education, resource overview
January 30, 2024	Stalking Awareness Month Info Table	Steinman College Center	Stalking Awareness
January 31, 2024	YWCA Info Table	Steinman College Center	Resource Awareness
February 14, 2023	Valentine's Day Activity Table	Steinman College Center	Healthy Relationships
February 20, 2024	One Love Healthy Relationships Jeopardy	Ben's Underground	Healthy Relationships
March 28, 2024	CPJ Block Party	Steinman College Center	Resource Awareness; Sexual Violence Awareness
March 30, 2024	Hear Us Now info table/ticket sales	Steinman College Center	Sexual Violence Awareness
April 2, 2024	LGBTQ+ Sexual Wellness Workshop	ADWC	Sexual Violence Prevention; Resource Awareness
April 2, 2024	Hear Us Now info table/ticket sales	Steinman College Center	Sexual Violence Awareness
April 3, 2024	YWCA Information Table	Steinman College Center	Resources Available



Date	Name of Program	Location Held	Topic
April 4, 2024	Hear Us Now info table/ticket sales	Steinman College Center	Sexual Violence Awareness
April 7, 2024	Open Gym for Women and Gender Minorities	ASFC	Resources Available
April 10, 2024	I love Title IX and so should You	Steinman College Center	Resources Available
April 10, 2024	Healthy Relationships Bingo	The Hub	Healthy Relationships
April 11, 2024	Hear Us Now info table/ticket sales	Steinman College Center	Sexual Violence Awareness
April 16, 2024	LGBTQ+ Sexual Wellness Workshop	Steinman College Center	Sexual Violence Prevention; Resource Awareness
April 16, 2024	LGBTQ+ Sexual Wellness Workshop	Steinman College Center	Sexual Violence Prevention; Resource Awareness
April 18, 2024	Take Back the Night	Mayser	Sexual Violence Awareness; Resource Awareness
April 19, 2024	Hear Us Now: Benefit Concert for SAAM	Ben's Underground	Sexual Violence Awareness; Resource Awareness
April 24, 2024	Denim Day Table	Steinman College Center	Sexual Violence Awareness
April 24, 2024	Learn How Forensic Nurses Support Survivors of Sexual Violence	Steinman College Center	Resource Awareness; Sexual Violence Awareness
April 26, 2024	Coffee & Consent	Harris 001	Resource Awareness; Sexual Violence Awareness

In addition to the above listed programs, the College also provides additional resources and requires specific criteria from groups. Some examples are:

- Women's Center Resources. Available daily to students including pamphlets on: Stalking,

Consent Communication, HIV, Date and Rape, STI and Testing, Safer Sex, PrEP, Birth Control Options, Safe Sex for LGBTQ+ and Healthy Relationships.

- Campus SaVE Act Training for all employees through United Educators.
- College Sponsored Education and Growth Programs for Fraternities and Sororities. The College provides speakers, educational experiences and instructional programs in five topical areas: Hazing; Social Event Management and Risk Reduction; Alcohol and Other Drugs; Healthy Gender Relations and Sexual Misconduct and Leader/Leadership Development. Every Chapter must show evidence that at least 70% (Participation Standard) of its members attend the Five College-sponsored programs. Attendance information is submitted via the Mandatory Program Certification Form.
- Chapter Sponsored Education and Growth Programs. Each chapter is expected to provide one program in each five theme areas per year. The themes are Academic/Intellectual; Social/Community Building; Personal Development; Cultural Awareness and Leader/Leadership Development.
- Director of Care Coordination and Violence Prevention who oversees:
  - Peer education team
  - Wellness courses
  - On-going wellness workshops for entire Campus Community
  - Group discussions for organizations and athletic teams
  - Active flyer campaign
  - 1-on-1 mentoring and coaching
  - Campus-wide mindfulness initiative
  - Fully-staffed counseling and medical department managed by Lancaster General Hospital: "Lancaster General Health at Franklin & Marshall"
  - Weekly Students of Concern committee meeting to identify and outreach to individuals in need
  - Training of paraprofessional House Advisor staff to assist with prevention, outreach and crisis response
  - New employee orientation which informs and educates about Title IX, safety awareness, and reporting.

## Safe and Positive Options for Bystander Intervention

The College offers prevention and awareness programs that provide information about bystander intervention to students and employees. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

The College also teaches:

- Bystander intervention as a critical component of sexual misconduct education. All House

Advisors (HAs) are specifically counseled in bystander intervention.

- A comprehensive approach that takes advantage of integrating multimedia, peer instruction, in-depth interactive discussion and cognitive education based in the performing arts, including diversity, inclusion, and Bystander Intervention.
- Volunteer facilitators of bystander intervention to teach students throughout the semester to help reduce sexual violence in Campus nightlife.

Some considerations for bystander intervention include:

- Learn to intervene safely, and in a way that is appropriate to the situation.
- Remember not to put your own safety at risk.
- Consider if you can help indirectly, such as by creating a distraction to safely interrupt the situation.
- Consider if it is safe to help directly, such as by talking with the person who appears to be in trouble.
- Contact someone in a position of authority, such as public safety, law enforcement, or a resident advisor.
- Get others to help you.

## Risk Reduction

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Franklin & Marshall fosters ongoing prevention and awareness of dating violence, domestic violence, sexual assault, and talking through discussion of these issues by peer support networks and programs to encourage reporting of sexual misconduct.

The following information about risk reduction is made available by the Rape, Abuse, and Incest National Network [www.rainn.org/](http://www.rainn.org/):

### Increasing On-Campus safety

- *Know your resources.* Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the Student Wellness Center, the Department of Public Safety, and a local sexual assault service provider. Notice where emergency phones are located on Campus and program the Franklin & Marshall College Public Safety phone number into your cell phone for easy access (717) 358-3939.
- *Stay alert.* When you're moving around on Campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking the Department of Public Safety for an escort. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- *Be careful about posting your location.* Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.

- *Make others earn your trust.* A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- *Think about Plan B.* Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- *Be secure.* Lock your door and windows when you are asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

### **Safety in social settings**

- *Make a plan.* If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- *Protect your drink.* Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or odor.
- *Know your limits.* Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- *It's okay to lie.* If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- *Be a good friend.* Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

## **Prohibition of Crime**

The College prohibits all crimes including the Clery crimes of murder, non-negligent manslaughter, manslaughter by negligence, aggravated assault, arson, burglary, robbery, motor vehicle theft, hate crimes, liquor law violations, weapons violations, drug abuse violations, as well as, the crimes of domestic violence, dating violence, sexual assault, and stalking, as defined by the Clery Act.

## Federal Definitions

The Clery Act defines Domestic Violence as a felony or misdemeanor crime of violence committed—

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse 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;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

The Clery Act defines Dating Violence as 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, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

The Clery Act defines Stalking as 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.

The Clery Act defines Sexual Assault as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim if incapable of giving consent."

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

## Jurisdictional Definitions

The definition of “Acts of Domestic Violence” is found in The Pennsylvania Protection From Abuse (PFA) Act No. 206, approved December 19, 1990, 23 PA C.S. § 6303 et seq. It defines “abuse” as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or person who share biological parenthood.

### **Domestic abuse includes:**

- Attempting to cause or intentionally, knowingly or recklessly causing serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- Bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, aggravated indecent assault or incest.
- Placing another person in reasonable fear of imminent bodily injury (threats of physical violence)
- False imprisonment.

### **Family or household members include:**

- Spouses
- Persons related by blood or marriage
- Person who have a child in common
- Person whose sexual relationship has resulted in a current pregnancy.
- Other persons jointly residing in the same dwelling unit, who are 18 years or age or older, or are emancipated.
- Persons who have, or had a dating relationship.
- The term victim includes a family or household member who is the subject of domestic abuse and whom a law enforcement officer has determined is not the primary aggressor under the circumstances set out in the law.
- Unless the relationship between the victim and alleged perpetrator(s) falls within these definitions, the incident cannot be regarded as domestic violence.

## **Consent**

Pennsylvania does not specifically define “consent.” However, a person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- 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; or (5) Who suffers from a mental disability which renders the complainant incapable of consent. 18 Pa. C.S.A. § 3121. “Forcible compulsion” is defined as “compulsion by use of physical, intellectual, moral, emotional or psychological force, either express or implied. The term includes, but is not limited to, compulsion resulting in another person's death, whether the death occurred before, during or after sexual intercourse.” 18 Pa. C.S.A. § 3101.

## **Dating Violence**

Pennsylvania does not have a definition of dating violence. Dating violence falls under the realm of Domestic violence. Dating violence is a type of intimate partner violence. It occurs between two people in a close relationship. The nature of dating violence can be physical, emotional, or sexual. Dating violence can take place in person or electronically, such as repeated texting or posting sexual pictures of a partner online. Pennsylvania defines domestic abuse as one or more of the following acts occurring between family or household members, sexual or intimate partners, or people who have a child in common:

- purposefully or recklessly causing or attempting to cause bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon
- causing another person to reasonably fear imminent serious bodily injury
- false imprisonment
- physically or sexually abusing a minor child,
- engaging in a course of conduct or repeatedly committing acts directed at another person under circumstances that place the person in reasonable fear of bodily injury.

“Family or household members” means current or former spouses, persons who live or have lived as spouses, parents and children, other persons related by blood or marriage, current or former intimate or sexual partners, or persons who have a child in common. (23 Pa. Cons. Stat. § 6102).

## **Sexual Assault**

Pennsylvania has a variety of laws that prohibit criminal sexual assault. These laws define criminal conduct and the potential penalties that can arise if a person is convicted of a sexual assault offense. Pennsylvania law defines sexual assault as engaging in sexual intercourse of deviate sexual intercourse without the consent of the other party. This crime is charged as a second-degree felony.

## **Indecent Assault**

This conduct is considered a crime when a person has indecent contact with the victim with the intent to arouse sexual desire in either party and is performed without the victim's consent. It is a crime committed forcibly or under the threat of force in such a way that the party could reasonably expect that the defendant would use such force. Alternatively, it can be charged as an offense if the victim was severely incapacitated, such as having a mental incapacity, being intoxicated, being drugged or being unconscious. Alternatively, this crime can be charged if the victim is under 13 years of age or under 16 years of age with the defendant being at least four years older than the victim.

## **Criminal Penalties for Sexual Assault**

The potential penalties vary depending on the charge that the defendant faces and the circumstances surrounding the offense. Sexual assault is considered a second-degree felony, which carries a maximum sentence of up to 10 years in prison. A large fine can also be imposed on the defendant. The amount of the fine is at the discretion of the court and is based on the severity of the offense.

Indecent assault is considered a first- or second-degree misdemeanor, depending on the specific nature of the offense. The defendant's criminal history is also a relevant factor, and if the defendant has committed a previous sexual offense or has a pattern of sexually deviant behavior, he or she may be charged with a third-degree felony. This crime is punishable by up to seven years in prison.

Rape is the most serious sexual offense. This crime carries a maximum sentence of 20 years imprisonment and a fine up to \$25,000. Defendants who are convicted of sexual assault, rape or other sex crimes usually have to register as a sex offender. This registration is generally known to the public and can severely limit a defendant's ability to find work, housing and peace.

## **Statutory Sexual Assault**

Statutory sexual assault is different than other types of sexual assault because the victim actually consents to the act. However, because the victim is of a certain age or other specific condition, his or her consent is not considered valid under state law. The legal age for consent in Pennsylvania is 16 years old. If the person is under this age, having sexual contact with the individual can be considered criminal in nature. A person under this age is considered not to be mentally capable of making decisions regarding sex and cannot provide valid consent.

Statutory sexual assault occurs when an individual has sexual intercourse with a child under the age of sixteen, even if the person gives consent. The crime can be charged if the other person is at least four years older than the victim. However, there is an exception if the child and other party are married.

Statutory sexual assault may be considered a second degree or first-degree felony offense. A person may be charged with a second-degree felony if he or she is between four and eight years older than the victim. A second-degree offense carries a maximum prison sentence of 10 years and a fine up to \$25,000. A first-degree offense can be charged if the defendant is at least 11



years older than the victim. This crime can result in a maximum sentence of twenty years of incarceration and a fine up to \$25,000.

### **Stalking**

The state of Pennsylvania defines stalking as follows: A person commits the crime of stalking when the person either:

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

## **Franklin & Marshall College Definitions**

The following definitions are taken from the 2021-2022 Franklin & Marshall Title IX Harassment and Sexual Misconduct Policy and Procedure:

### **Consent**

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Silence or lack of resistance, in and of itself, does not constitute Consent. Consent can be given by words or actions, provided that those words or actions clearly communicate willingness to engage in the sexual activity.

Consent cannot be obtained through coercion. For purposes of this Policy, coercion is the use of threats (i.e., words or actions) or intimidation (i.e., implied threats) that would cause a reasonable person to engage in unwelcome sexual activity against their will.

Consent cannot be obtained from an individual who is incapacitated, where a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation.

Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition.

Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Consent is automatically withdrawn when a party is no longer capable of consenting.

Once Consent is withdrawn, the sexual activity must cease immediately. Consent must be re-established before resuming any sexual activity. Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity.

Consent to sexual activity on one occasion does not constitute Consent to sexual activity on other occasions. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Consent.

A knowing, voluntary, and mutual decision among participants to engage in sexual activity, as discussed in the Franklin & Marshall Title IX Sexual Harassment and Sexual Misconduct Policy and Procedure.

### **Title IX Sexual Harassment**

Title IX Sexual Harassment means conduct on the basis of sex that involves an employee of Franklin & Marshall conditioning the provision of an aid, benefit, or service of Franklin & Marshall on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Franklin & Marshall's education program or activity.

### **Title IX Dating Violence**

Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.

### **Title IX Sexual Assault**

Sexual assault includes any of the following Prohibited Conduct:

- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
- The touching of the private body part of another person for the purpose of sexual gratification without the consent of the alleged victim.
- Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### **Title IX Domestic Violence**

Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

### **Title IX Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged 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; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **Voluntary Confidential Reporting Procedures**

All College employees, including student employees, are Campus Security Authorities. Campus Security Authorities must ensure that any Clery crime they are aware of is reported to the Department of Public Safety immediately. Clery crimes include: murder and non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, statutory rape, and incest), domestic violence, dating violence, stalking, robbery, aggravated assault, burglary, arson, motor vehicle theft, hate crimes, liquor law violations, drug violations and weapon violations. Any sexual misconduct or discrimination is to be reported to the College's Title IX Coordinator immediately. If you are a victim of sexual misconduct and want to report it confidentially, please report to Counseling Services or the Student Wellness Center.

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a voluntary confidential report. The purpose of a confidential report is to comply with the wish of a victim to keep the matter confidential, while taking steps to enhance the future safety of oneself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine if there is a pattern of crime with regard to a particular location, method, or assailant; and alert the Campus Community to the potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

The Department of Public Safety does not have a voluntary confidential reporting process because police reports are public records under state law, thus the Department cannot hold

reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any Campus Security Authorities.

The Department of Public Safety cannot guarantee confidentiality when it receives a report of a crime due to the severity and/or continuing threat to the College Community, the incident may need to be investigated. The Department will work to maintain the privacy of the victim, if so desired.

A student's privacy concerns must be weighed against the needs of the College Community to respond to certain incidents and crimes. To the greatest extent possible, such reports will remain private. In compelling situations, the Department of Public Safety reserves the right to take reasonable action in response to any crime report, and information may be shared with the appropriate department(s) and agencies on a need-to-know basis when it pertains to investigative needs and safety concerns of the Campus Community. All reports submitted on a 'confidential' or anonymous basis are evaluated for purposes of issuing a Campus Alert, as well as inclusion in the annual crime statistics without divulging victim identifying information.

## **Campus Security Authorities**

The Clery Act requires the College to collect and disclose crime data from the local police and Campus Security Authorities (CSA). The intent of including non-law enforcement personnel as Campus Security Authorities (CSA) is to acknowledge that many individuals and students in particular are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other Campus-affiliated individuals.

The function of a Campus Security Authority (CSA) is to report to the Department of Public Safety, those allegations of Clery Act crimes that are made in good faith. A Campus Security Authority (CSA) is not responsible for determining whether a crime took place—that is the function of law enforcement personnel.

Once a report is received, it must be forwarded to the Department of Public Safety. A representative of the Department of Public Safety will be available to assist you to determine what information should be reported and to work with you in maintaining the privacy of the individual. Reports filed in this manner are counted in the crime statistics for the College, but the identity of the victim is kept confidential.

Currently, all Faculty and Professional Staff are Campus Security Authorities (CSA's) at Franklin & Marshall College, and therefore, are required to report all criminal incidents.

Professional mental health and religious counselors are exempt from reporting obligations, but may refer individuals to a confidential reporting system.

Franklin & Marshall College professional counselors are encouraged to tell their clients about the incident reporting procedures; reports (actual, confidential reports, or anonymous reports) are extremely valuable in order to prevent further victimizations and to obtain a more accurate

portrait of Franklin & Marshall College Campus crime.

In certain instances, a crime victim may be reluctant to file a report fearing the process and/or loss of anonymity. In such circumstances, crime victims are encouraged to consider making a voluntary, confidential report to one of the designated exempt Campus officials for inclusion in the annual disclosure of crime statistics. At a minimum, crime victims will receive valuable counseling and referral information.

Confidential reports are important because they provide valuable information that will enhance the safety of the Community-at-large and will provide a more accurate portrait of actual Campus crime. Remember, help is available. All you need to do is ask.

Retaliation against an individual who has, in good faith, filed a complaint, is strictly prohibited and will not be tolerated. Retaliation is any action that adversely affects the academic, employment, or other institutional status of a student or employee of the College, in addition to an applicant for admission or employment and a visitor.

Examples of retaliation include, but are not limited to:

- denial of promotion,
- non-selective/refusal to hire,
- denial of job benefits,
- demotion;
- suspension,
- discharge,
- threats,
- reprimands,
- negative evaluations,
- harassment,
- or other adverse treatment that is likely to deter reasonable people from pursuing their rights.

## Pastoral and Professional Counselors

Campus “Pastoral Counselors” and “Professional Counselors” when acting as such, are not considered Campus Security Authorities for Clery Act purposes and are not required to report crimes for inclusion in the annual disclosure of crime statistics.

### **Pastoral Counselor**

an employee of an institution, who is associated with a religious order or denomination recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. Franklin & Marshall College does *not* have a Pastoral Counselor.

**Professional Counselor** An employee of an institution whose official responsibilities include

providing psychological counseling to members of the institution's Community, and who is functioning within the scope of his or her license or certification.

The College does encourage professional counselors to notify the individuals they are counseling of the option to report crimes on an anonymous or confidential basis for inclusion in the annual statistical disclosure of crime statistics.

## **Immediate Steps to Consider if a Sexual Assault, Domestic Violence, Dating Violence or Stalking Has Occurred:**

**Remember, sexual assault is never your fault. Do not blame yourself.**

Get to a safe place immediately; call 9-1-1 to reach the police or (717) 358-3939 to reach Franklin & Marshall College Department of Public Safety if you feel unsafe. Once you are safe, contact someone who can help you: YWCA Sexual Assault Hotline: (717) 392-7273, Department of Public Safety at (717) 358-3939, or the Police at 9-1-1.

The YWCA Sexual Assault Hotline will help you think through your options regarding medical attention, counseling, support, and reporting options to include contacting law enforcement. This right also includes the right not to report. Calls to this line are completely confidential unless you are under age 18. It is required by law that all cases of sexual violence against minors is reported.

The hotline is available 24 hours 7 days a week. Should you call the hotline, you will not be required to give your name. It neither constitutes notice to the College or Police, nor obligates you to take any further action. The YWCA advocate will discuss all of your options. YWCA advocates are available to meet you at Penn Medicine Lancaster General Health (555 North Duke Street) should you wish to have an examination by a specially trained nurse. All decisions are up to you.

A call to the YWCA Sexual Assault Hotline does not obligate you to make a report to the College, and will not be taken as a report to the College that places the College on notice. All information discussed with the professional on this line is confidential and will not be released without your written permission.

While the reporting student has the choice of delaying a report to the College, such delay may negatively affect the quality of the evidence and investigation. Do not shower, drink, eat, douche, brush your teeth, brush your hair, or change your clothes. These activities destroy physical evidence that will be important if you decide to prosecute the assailant.

### **Other steps**

- Get medical attention as soon as possible. You may have hidden injuries and should explore options regarding pregnancy and the possibility of sexually transmitted diseases.

- Consider going to Penn Medicine Lancaster General Hospital at 555 North Duke Street, Lancaster, PA 17602 for a forensic exam. Take a change of clothing with you, as your clothing may be kept as evidence. Lancaster General Hospital is the only local hospital where the SAFE exam, with specially trained nurses, is performed. If you go to another hospital, they will very likely transport you via ambulance to LGH. It is important that you not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order.
- In circumstances of sexual assault, if you do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. You are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.
- Write down everything that you remember about the event(s), with as much detail as possible. This step can help both with your own healing process and in any legal or disciplinary action you might decide to take.
- Seek counseling or other sources of support. Talking with a trained mental health professional may help in coping with the aftermath of a sexual assault. Family and friends may also be a source of comfort and support. It is most important that you are comfortable with and trust the individuals in whom you choose to confide. Franklin & Marshall's Counseling Services is available free of charge to meet with students. Hours are Monday - Friday 8:30 until noon and again from 1- 4:30 p.m. There are also walk-in hours daily between 3 and 4 p.m. You can also call for an appointment at (717) 544-9051.
- Franklin & Marshall College Health Services can provide free emergency contraception and sexually transmitted infection evaluation and treatment for students who do not require or choose not to have a forensic examination. Hours of service are Monday – Friday 8:30 a.m.–5:00 p.m. (717) 544-9051.
- As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If you choose not to make a complaint regarding an incident, you nevertheless should consider speaking with Public Safety or other law enforcement to preserve evidence in the event that you decide to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

### **Involvement of Law Enforcement and Campus Authorities**

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police), it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College's Title IX Coordinator will assist any victim with notifying law enforcement if the victim so desires. Lancaster City Bureau Police

Department may also be reached directly by calling 717-735-3300 or in person at 39 W. Chestnut St. Lancaster, PA 17603.

After making an initial report to a Police Officer, the Department Detective will make contact. The Detective will explain their Department's steps moving forward. Additional information about the Lancaster City Police Bureau may be found online at: <https://lanasterpolice.com>. Manheim Township Police Department can be reached by directly calling (717) 569-6401 or in person at 1825 Municipal Dr, Lancaster, PA 1760. Additional information about Manheim Township Police can be found online at: <https://lanaster.crimewatchpa.com/manheimtwppd/53783>

## **Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking is Reported**

The College has procedures in place for individuals who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and a Respondent party.

### **Assistance for Victims: Rights & Options**

When a student or employee reports to the College that they have been a victim of dating violence, domestic violence, sexual assault, stalking, whether the offense occurred on or off Campus, the College will provide the student or employee with a written explanation of the student or employee's rights and options to include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred
- information about how the College will protect the confidentiality of victims and other necessary parties
- notification about victim services within the College and in the Community
- a statement regarding the institution's provisions about options for, available assistance in,
- and how to request accommodations and protective measures; and
- an explanation of the procedure for College disciplinary action

### **Accommodations and Protective Measures Available for Victims**

The College will also provide written notification to the student or employee about accommodations available to them, including academic, living, parking, protective orders, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request



accommodations and protective measures. Individuals can contact Franklin & Marshall’s Title IX Coordinator Kate Buchkoski at [kate.buchkoski@fandm.edu](mailto:kate.buchkoski@fandm.edu), call her at (717)358-7178, or stop in to her office located at room 313 in the Harris building for assistance with accommodations.

By contacting Franklin & Marshall’s Title IX Coordinator Kate Buchkoski, she can provide options for assistance in how to request changes to academic, living, parking, and working situations and protective measures will be explained. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking will also be discussed. Options in regards to reporting and confidentiality will also be explained, which, these include reporting through the College Judicial system, Lancaster County’s legal system, and confidential counseling. These options also include the right not to report. At the victim’s request, and to the extent of the victim’s cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations.

The College will also provide the student or employee with a written explanation of the student or employee’s rights and options to include: counseling, health services, mental health services, victim advocacy, legal assistance, student and financial aid, and other services within the College and in the Community. If the matter should arise where visa and immigration needs are to be addressed, the student is referred to the Office of International Programs.

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, the College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement.

<b>On Campus</b>	<b>Types of Services Available</b>	<b>Service Provider</b>	<b>Contact Information</b>
Counseling	Individual and group counseling	The Student Wellness Center	717-544-9051
Health	Fully-staffed medical department at the Student Wellness Center	Penn Medicine Lancaster General Hospital	717-544-9051
Mental Health	Individual and group counseling	The Student Wellness Center	717-544-9051
Victim Advocacy	YWCA Campus advocate	YWCA	717-291-7273
Legal Assistance	Referral to outside resource	PCAR	1-800-692-7445
Visa and Immigration Assistance	Secure and maintain VISAs	Jessica Haile	717-358-3855
Student Financial Aid	F&M Financial Aid	Director of Financial Aid	717-358-3991

Off Campus	Types of Services Available	Service Provider	Contact Information
	Sexual assault counseling Sexual Assault Counseling	YWCA RAINN	717-392-7273 1-800-6560-HOPE
Health	SAFE Exam	Penn Medicine Lancaster General Hospital	717-544-5511
Mental Health	Suicide hotline,  Victim Compensation Assistance Program	Behavioral Health and Developmental Services  PA Commission on Crime and Delinquency	717-394-2631  PA Crime Victims app or email ra-davesupport@pa.gov
Victim Advocacy	Domestic violence, legal services	PCAR, YWCA, Community Action Partnership of Lancaster County	1-800-692-7445, 717-392-7273, 717-299-1249
Legal Assistance	Referral to outside resource	PCAR	1-800-692-7445
Visa and Immigration Assistance	Lawful Immigration	US Citizenship and Immigration Services	240-721-3333
Student Financial Aid	E grant	PA Office of Victim Services	717-787-5887

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

<http://www.rainn.org> – Rape, Abuse and Incest National Network

<http://www.ovw.usdoj.gov/sexassault.htm> - Department of Justice

<http://www2.ed.gov/about/offices/list/ocr/index.html> Department of Education, Office for Civil Rights

The College’s disciplinary process includes a prompt, fair, and impartial initial investigation and final resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the Complainant and Respondent.

## Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the College’s Title IX Coordinator Kate Buchkoski. She can be reached by calling (717) 358-7178, in writing at [kate.buchkoski@fandm.edu](mailto:kate.buchkoski@fandm.edu), or by coming into her office located at room 313 Harris Building to report in person and to the Department of Public

Safety (if the victim so desires.) Reports of all domestic violence, dating violence, sexual assault, and stalking made to the Department of Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

The College will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.

If a report of sexual assault is reported to the College, the College will follow these procedures:

- Depending on when reported (immediate vs delayed report), the College will provide the Complainant with access to medical care.
- The College will assess the immediate safety needs of the Complainant.
- The College will provide the Complainant with contact information for the local police department and assist the Complainant with contacting the local police if the Complainant requests it and provide information on the preservation of evidence.
- The College will provide the Complainant with referrals to on and off campus mental health providers.
- The College will assess the need to implement interim or long-term protective measures, if appropriate.
- The College will provide the Complainant with a written explanation of their rights and options.
- The College will provide information how to apply for a Protective Order.
- The College will provide a “No Contact Order” directive to the Respondent, if deemed appropriate.
- The College will provide a copy of the policy applicable to Sexual Assault Misconduct to the Complainant and inform the Complainant regarding timeframes for inquiry, investigation and resolution
- The College will inform the Complainant of the outcome of the investigation, whether or not the Respondent will be administratively charged, and informed of the outcome of the hearing

If a report of domestic violence or dating violence is reported to the College, the College will follow these procedures:

- The College will assess the immediate safety needs of the Complainant.
- The College will provide the Complainant with contact information for the local police department and assist the Complainant with contacting the local police if the Complainant requests it.
- The College will provide written information to the Complainant on how to preserve evidence.
- The College will assess the need to implement interim or long-term protective measures to protect the Complainant, if appropriate.
- The College will provide the Complainant with a written explanation of their rights and options.

- The College will provide information how to apply for a Protective Order.
- The College will provide a “No Contact Order” directive to the Respondent, if deemed appropriate.

If a report of stalking is reported to the College, the College will follow these procedures:

- The College will assess the immediate safety needs of the Complainant.
- The College will provide the Complainant with contact information for the local police department and assist the Complainant with contacting the local police if the Complainant requests it.
- The College will provide information how to apply for a Protective Order.
- The College will provide written information to the Complainant on how to preserve evidence.
- The College will assess the need to implement interim or long-term protective measures to protect the Complainant, if appropriate.
- The College will provide the Complainant with a written explanation of their rights and options.
- The College will provide a “No Contact Order” directive to the Respondent, if deemed appropriate.

## **Your Rights and the College’s Responsibilities for Orders of Protection, “No Contact Orders”, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court, or by the College**

Franklin & Marshall College complies with Pennsylvania law in recognizing Protection from Abuse (PFA) and Sexual Violence Protection Orders (SVPO) by advising and/or having a Public Safety Officer or the Title IX Coordinator accompany a student to the Lancaster County Courthouse or to utilize Victim/Witness Services, a victim advocacy group in Lancaster in order to obtain a PFA or SVPO. Lancaster County Courthouse is located at 50 North. Duke Street, Lancaster, PA 17608.

Any person who obtains an order of protection from Pennsylvania or any reciprocal state should provide a copy of the Order to the Department of Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Public Safety and the student to reduce risk of harm while on Campus or coming and going from Campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. The College cannot apply for a legal order of protection, no contact order or restraining order for a student from the applicable jurisdiction(s).

In order for the court to have the authority to consider and grant a protection from abuse order, the acts of abuse must occur between either adults or minors who have the following types of relationships:

- Child of defendant
- Child of plaintiff

- Current or former cohabitant or defendant
- Current or former intimate partner with defendant
- Family member related by blood (consanguinity) to defendant
- Family member related by marriage or affinity to defendant
- Parent of child with defendant
- Sibling of defendant
- Spouse or former spouse of defendant

Protection orders are rules for the person hurting or threatening the victim. Filing a protection order, also known as a protection from abuse order or PFA, with PA Courts can help protect the victim and the victim's family. If the abuser breaks these rules the person can be punished and the police can make an arrest.

In Pennsylvania, filing the paperwork for a protection order is done at the local courthouse or through the magisterial district judge outside of regular court hours -- at no charge. Courthouse staff can also help with interpreter services for those people who have trouble speaking, hearing or understanding English.

Victims can go through the process on their own or with an advocate from the Domestic Violence Legal Clinic of Lancaster County. Courthouse staff can help connect the victim with an advocate or available resources to find safe shelter.

You may contact a private attorney or one of the following offices:

- Bail Administration – Historic Courthouse 50 N. Duke St Lancaster, Pa 17602 (717) 295-3584
- Domestic Violence Legal Clinic 35 E. Orange St. Lancaster, Pa 17602 (717) 291-5826

The College may issue an institutional “No Contact Order” if deemed appropriate or at the request of the reporting student or the responding student. If the College receives a report that such an institutional No Contact Order has been violated, the College will initiate disciplinary proceedings appropriate to the status of the offending student (student, employee, etc.) and will impose sanctions if the offending student is found responsible for violating the No Contact Order.

## **Sexual Violence Protection Order vs Protection From Abuse**

A Sexual Violence Protection (SVPO) is a court order that protects sexual assault victims from someone who they are not in a relationship with who sexually assaulted them. The offender cannot be a:

- Spouse or ex-spouse
- Parent or child
- Biological relative
- Relative by marriage
- Current or former intimate or sexual partner
- Person who shares a biological parent

A Sexual Violence Protection Order is designed to protect victims of sexual violence from further abuse and/or intimidation by their abuser, regardless of whether or not criminal charges have been filed against the perpetrator. Similar in many ways to a Protection From Abuse Order (PFA), the key difference lies in the relationship between the abuser and the victim. While PFAs require an intimate or household relationship between the two parties, a SVPO does not and is available to victims of sexual violence who are at continued risk of harm from their perpetrator.

SVPOs can protect victims by restricting the offender from entering the victim's residence, place of employment and/or school as well as prohibiting indirect contact through third parties. An SVPO is NOT the same as seeking criminal prosecution; you are not required to press charges. An SVPO is meant to restrict the offender's contact with the victim, and the offender cannot be punished unless he/she violates the SVPO.

## Adjudication of Violations

The College's disciplinary process includes a prompt, fair, and impartial process from the initial investigation to the final result. In all instances, the process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the Complainant and the Respondent. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within the timeframe specified in each policy the institution maintains. However, each procedure allows for extensions of timeframes for good cause with written notice to the Complainant and the Respondent of the delay and the reason for the delay. College officials involved in the investigation or adjudication of domestic violence, dating violence, sexual assault and stalking complaints are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Furthermore, each policy provides that:

- The Complainant and the Respondent will have timely notice for meetings at which the Complainant or Respondent, or both, may be present;
- The Complainant, the Respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings;
- The College disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the Complainant or the Respondent;
- The Complainant and the Respondent will have the same opportunities to have others present during any institutional disciplinary proceeding. The Complainant and the Respondent each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The College will not limit the choice of advisor or presence for either the Complainant or the Respondent in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing”.
- The Complainant and the Respondent will be notified simultaneously, in writing, of the

any initial, interim and final decision of any disciplinary proceeding; and

- Where an appeal is permitted under the applicable policy, the Complainant and the Respondent will be notified simultaneously in writing, of the procedures for the Respondent and the victim to appeal the result of the institutional disciplinary proceeding. When an appeal is filed, the Complainant and the Respondent will be notified simultaneously in writing of any change to the result prior to the time that it becomes final as well as of the final result once the appeal is resolved.

Whether or not criminal charges are filed, the College or a person may file a complaint under the following policies, depending upon the status of the Respondent (student or employee):

## **Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking:**

### **Title IX Policy and Community Standards of Sexual Misconduct Policies**

The F&M staff and community recognize the impact of sexual violence across the world and in our own Franklin & Marshall community. In addressing incidents impacting our own community, you will find that Franklin & Marshall's student codes related to sexual misconduct are published in two different places in the College's policies. The College follows federal guidelines related to Title IX, which is a law that covers specific behaviors related to sex discrimination and sexual harassment. The College also addresses sexual misconduct that is not covered by Title IX definitions but goes against our mission and values. Non-Title IX sexual misconduct will be addressed through the F&M general Code of Conduct under the categories Community Standards Sexual Misconduct and Community Standards Sexual Harassment.

### **How to File a Disciplinary Complaint Under the Title IX Policy**

This policy pertains to both *students* and *all employees*.

Any person may report conduct constituting possible Prohibited Conduct to the Title IX Coordinator in person, by mail, by telephone, by email or via the online reporting form ([https://cm.maxient.com/reportingform.php?FranklinMarshall&layout\\_id=3](https://cm.maxient.com/reportingform.php?FranklinMarshall&layout_id=3)). The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see Section IX) and to explain the process for filing a Formal Complaint.

More Title IX information can be found at:

<https://www.fandm.edu/health-wellness-and-safety/title-ix/index.html>

<https://www.fandm.edu/resources/pdfs/2023-24%20Title%20IX%20Policy.pdf>

### **How the College Determines Whether the Title IX Policy or the Community Standards Sexual Misconduct Policy will be Used**

All allegations of sexual misconduct, whether they fall under Title IX or Community Standards, are reported to the Title IX Coordinator who will provide resources, guidance about your options,

follow-up through appropriate resolution channels, and make any necessary referrals.

In order to constitute Title IX Sexual Harassment, the alleged misconduct must have occurred (i) in the United States, and (ii) in Franklin & Marshall's education program or activity, which is defined as locations, events or circumstances over which Franklin & Marshall exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Institution.

Title IX Sexual Harassment: (a) Definition. Title IX Sexual Harassment means conduct on the basis of sex that involves an employee of Franklin & Marshall conditioning the provision of an aid, benefit, or service of Franklin & Marshall on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Franklin & Marshall's education program or activity.

Title IX Sexual Harassment also includes the following:

- **Title IX Sexual Assault:** Sexual assault includes any of the following Prohibited Conduct:
  - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
  - The touching of the private body part of another person for the purpose of sexual gratification without the consent of the alleged victim.
  - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Title IX Dating Violence:** Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
- **Title IX Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.



- **Title IX Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged 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; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

### **Steps in the Disciplinary Process**

In order to commence Formal Complaint Processes, a Complainant must file a Formal Complaint with the Title IX Coordinator. Alternatively, if the Title IX Coordinator has received a report of Prohibited Conduct, but the Complainant elects not to submit a Formal Complaint or the Complainant is unknown, the Title IX Coordinator has the discretion to sign the Complaint if the Title IX Coordinator deems doing so necessary to address Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment for all members of its community. In doing so, the Title IX Coordinator does not become the Complainant.

There is no time limit within which a Complainant must file a Formal Complaint. However, at the time a Formal Complaint is filed, the Complainant must be participating or attempting to participate in Franklin & Marshall's programs or activities. Pursuing a Formal Complaint does not preclude a Complainant from pursuing the filing of criminal charges. However, it is important to understand that the standard for criminal prosecution is different from that used in student and employee conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other.

If the Title IX Coordinator receives Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents, or by one Party against the other Party (i.e., "counterclaims"), where the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the Parties, the Title IX Coordinator has the discretion to consolidate the Formal Complaints. If Formal Complaints are consolidated, all Parties must receive the same version of the written determination.

### **Anticipated Timeline Associated With Each Step Of The Process**

Written Notice - Upon the submission of a Formal Complaint, the Title IX Coordinator will provide written notice to the Complainant and Respondent, if known, including the following:

- A copy of this Policy.
- Notice of the allegations of conduct that may constitute Prohibited Conduct, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the Parties involved and the date and location of the incident.

- The presumption that the Respondent is not responsible for the alleged Prohibited Conduct unless a determination of responsibility is reached at the conclusion of the Formal Resolution Process.
- Notice of the Parties' entitlement to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint, as discussed in Section X(C). The identity of the Investigator as described in Section XI(A).
- Notice that the Parties may inspect and review evidence gathered during the investigation as discussed in Section XI(B).
- Notice that Franklin & Marshall's Student Code prohibits knowingly making false statements or knowingly submitting false information during the Formal Complaint Processes.
- If additional allegations of conduct that might constitute Prohibited Conduct are identified during the course of the investigation and will be included in the Formal Complaint Processes, the Title IX Coordinator will issue an updated notice.

Dismissal for Purposes of Title IX Sexual Harassment - If any of the following circumstances are met, the Title IX Coordinator will dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment:

- Even if proved, the misconduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in Section IV;
- The misconduct alleged in the Formal Complaint did not occur in Franklin & Marshall's education program or activity, which is defined as locations, events or circumstances over which Franklin & Marshall exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Franklin & Marshall; or
- The misconduct alleged in the Formal Complaint is not alleged to have occurred in the United States. Further, if any of the following circumstances are met, the Title IX Coordinator may dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment, in the Title IX Coordinator's sole discretion:
  - Complainant notifies the Title IX Coordinator in writing that Complainant wishes to withdraw the Formal Complaint or any allegation in it;
  - Respondent is no longer enrolled or employed at Franklin & Marshall; or
  - Specific circumstances prevent Franklin & Marshall from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation. The Title IX Coordinator will promptly send notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent via email. Both the Complainant and Respondent may appeal any decision to dismiss the Formal Complaint for purposes of Title IX Sexual Misconduct by submitting a request for appeal to the Title IX Coordinator by email within three (3) calendar days of the date of the Title IX Coordinator's email. The appeal will be determined using the procedures set forth in Section XII. The notice of the dismissal will advise the parties whether the Formal Complaint will proceed as possible Community Standards Sexual Misconduct. The decision whether the matter will proceed as potential Community Standards Sexual Misconduct, and not Title IX Sexual Misconduct, is not subject to appeal.

Advisors - The parties may be accompanied by their Advisor at the Hearing. As discussed in Section X(C) of the Title IX Policy, the Advisor may not address the Hearing Officer, other Advisors, or any other individuals participating in the Hearing. The only exception is with respect to cross examination as discussed below. An Advisor who fails to do so may, at the sole discretion of the Hearing Officer, be required to leave the Hearing.

The parties shall inform the Title IX Coordinator whether they will be accompanied at the Hearing by their Advisor of choice by no later than ten (10) days before the Hearing. If a party has not identified an Advisor, Franklin & Marshall will provide one for the sole purpose of conducting cross-examination as discussed below. The Parties may not conduct cross-examination themselves; cross-examination must be performed by an Advisor.

If an Advisor is required to leave a Hearing for any reason, the Hearing Officer shall recess the Hearing until Franklin & Marshall appoints an Advisor for purposes of cross-examination. Advisors provided by Franklin & Marshall will have an understanding of the purpose of cross-examination.

Investigation- The Investigator(s) will prepare an investigation report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth herein (e.g., medical records regarding which the Party has not authorized disclosure). Prior to completing the investigation report, the Investigator(s) will send to both Complainant and Respondent, and their Advisors, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the hearing or in connection with any decision on responsibility.

The Parties are strictly prohibited from disclosing or disseminating the evidence to any third parties and from using it for purposes other than carrying out the Formal Resolution Processes. Complainant and Respondent will have ten (10) calendar days to provide a written response concerning the evidence to the Investigator(s), including identifying additional evidence for the Investigator's consideration prior to completing the investigation report.

After receipt of the Parties' responses concerning the evidence and at least ten (10) calendar days before the hearing, the Investigator(s) will provide the Complainant and Respondent, and their Advisors, if any, a copy of the investigation report. The Complainant and Respondent may, but are not required to, provide written responses to the investigation report. Any response must be by the Party, not the Party's Advisor. A Party's response will be shared with the other party.

Informal Resolution - Informal Resolution presents the opportunity for the Complainant and Respondent to resolve allegations of Prohibited Conduct without an investigation or hearing. Participation in Informal Resolution in lieu of the Formal Resolution Process is purely voluntary.

Informal Resolution is available only when a Formal Complaint has been filed and the Parties agree to its use in writing. Informal Resolution may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or

other factors. Informal resolution is not available to resolve a student-Complainant's allegations that an employee has engaged in Title IX Sexual Harassment.

Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from Informal Resolution to pursue formal resolution, and any consequences of participation (e.g., as it relates to any subsequent formal resolution if Informal Resolution is not achieved).

Informal Resolution can be commenced at any point prior to the conclusion of a Hearing under the Formal Resolution Processes. It is conducted by an Informal Resolution Facilitator appointed by the Title IX Coordinator. The Complainant, Respondent, Title IX Coordinator or Facilitator may terminate Informal Resolution at any time prior to its completion. If Informal Resolution is terminated, the Formal Resolution Process will promptly commence or resume, as appropriate.

Informal Resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Coordinator, including, but not limited to:

- Facilitated Resolution - Facilitated Resolution may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the Prohibited Conduct by the Respondent.
- Restorative Justice: Restorative Justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative Justice typically requires an admission of responsibility for the Prohibited Conduct, or certain allegations, by the Respondent.

If the Informal Resolution is terminated such that the matter resumes the Formal Resolution Processes, specific statements made by either party during the Informal Resolution will not be documented or retained by the Title IX office or the Informal Resolution Facilitator, will not be shared with anyone outside the Informal Resolution Process, and may not be utilized in a subsequent Formal Process. Additionally, the Informal Resolution Facilitator shall not serve as a witness in a subsequent Formal Process.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. The outcome of Informal Resolution may not be utilized in a subsequent Formal Process, if any.

The College will attempt to complete the Informal Resolution process within thirty (30) calendar days of the Parties documenting their agreement to participate, subject to extenuating or unanticipated circumstances. That period may be extended at the discretion of the Title IX Coordinator.

Formal Resolution - Franklin & Marshall strives to resolve Formal Complaints within ninety (90) calendar days of the submission of a Formal Complaint, but balances its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe.

Hearing Notice - After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than five (5) calendar days before the hearing, the Title IX Coordinator will issue a Hearing notice via email advising the Parties of the following: The date, time and location of the Hearing. The specific charges of Prohibited Conduct subject to disposition at the Hearing and a brief description of the conduct resulting in the charges; The individual to serve as the Hearing Officer; and At the request of either party, the Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions. Requests for separate rooms must be submitted to the Title IX Coordinator via email at least ten (10) calendar days before the Hearing.

Any Party may object to the Hearing date or challenge the appointment of the Hearing Officer for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within three (3) calendar days of the Title IX Coordinator issuing the Hearing Notice. The Title IX Coordinator, in their sole discretion, shall determine whether the Hearing Officer should be removed and/or the Hearing rescheduled. Once the Hearing Officer is confirmed, the Title IX Coordinator will provide the Hearing Officer with a copy of the investigation report.

Hearing Outcome Letter - Within seven (7) calendar days of the conclusion of the Hearing, the Dean of Students will issue the Hearing Outcome Letter via email to the Parties if a student matter. The Associate Vice President for Human Resources or Provost, as appropriate, will issue the Hearing Outcome Letter via email to the Parties if an employee matter.

The Hearing Outcome Letter will include:

- A description of the allegations that led to the Hearing, as potentially constituting Prohibited Conduct.
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination.
- A statement of factual findings supporting the determination.
- A statement of the conclusions regarding the application of this Policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- An explanation of the disciplinary sanctions imposed on the Respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to Franklin & Marshall's education program or activity will be provided to the Complainant.

Specific remedies will be identified in the Hearing Outcome Letter only to the extent those remedies directly affect the Respondent. The Title IX Coordinator is responsible for implementing such remedies. The procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued. No further appeals of any kind are permitted.

Findings, Sanctions and Remedies - There are two possible findings: *Responsible* for a violation of College policy; *Not responsible* for a violation of College policy

### **Sanctions**

If the Respondent is found responsible for any Prohibited Conduct, the Title IX Coordinator will provide the Hearing Officer with the Respondent's prior conduct record for consideration in the Hearing Officer's recommendation of a sanction or sanctions. The range of available sanctions includes: Warning, Reprimand, Probation, Suspension, Expulsion, Educational Conditions may also be included in the recommendation

### **Remedies**

The Title IX Coordinator is responsible for the implementation of remedies designed to restore or preserve equal access to Franklin & Marshall's education program or activity. While remedies might constitute Supportive Measures, they also might be in the form of Sanctions.

Appeal - Either Party may appeal a determination as set forth in the Hearing Outcome by submitting a written appeal to the Title IX Coordinator by email within five (5) calendar days of the Hearing Officer's issues of the Hearing Outcome Letter. Appeals may be based on only one of the following:

- A procedural irregularity that affected the determination of responsibility
- The existence of new evidence that was not reasonably available at the time of the Hearing that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.

Appeals may also be based on the dismissal of a Formal Complaint alleging Title IX Sexual Harassment.

The appeal must be in writing and clearly explain the basis for the appeal. If the appeal is from the outcome of a Hearing, the Parties shall have access to the record of the Hearing to prepare their appeal on such terms as the Title IX Coordinator provides. Upon receipt of an appeal, the Title IX Coordinator will notify the other Party that the appeal has been filed, permitting the party five (5) days to provide a response, and providing the parties with the identity of the Appeal Officer who will determine the matter. The Party's response will be provided to the appealing party, but no further exchange of positions is permitted.

The Title IX Coordinator will forward the appeal and the other Party's response to the Appeal Officer. The Appeal Officer will evaluate the appeal on the written record and recording of the Hearing, and may seek input from the Title IX Coordinator, Investigator and/or Hearing Officer as deemed appropriate in the Appeal Officer's sole discretion. For appeals from a Dismissal in Section X(B), the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within ten (10) days of the Hearing Officer's receipt of the appeal materials.

For appeals from a Hearing Outcome, the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within ten (10) days of the Appeal Officer's receipt of the appeal materials. If the Appeal Officer determines that:

- A procedural irregularity affected the outcome of the Hearing
- New evidence exists that was not reasonably available at the time of the Hearing that could affect the outcome of the matter
- The Title IX Coordinator, Investigator or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally, or with the individual Complainant or Respondent, that affected the outcome of the matter.

The Appeal Officer has discretion to direct a rehearing of the matter, adjust the finding and/or recommended sanction if any, or make any other equitable determination. The Appeal Officer's decision is final. No further appeals are permitted.

Emergency Removals - If at any point following the receipt of a report of Prohibited Conduct, Franklin & Marshall determines that the Respondent poses an immediate threat to the physical health or safety of the Complainant or any other person(s), including the Respondent, Franklin & Marshall may temporarily remove the Respondent from any or all of its programs or activities. The imposition of an Emergency Removal does not suggest a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the Associate Vice President of Public Safety, or designee, will undertake an individualized safety and risk analysis concerning the Respondent at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if the Associate Vice President of Public Safety concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants the removal.

An Emergency Removal may involve the denial of access to some or all of Franklin & Marshall's campus facilities, academic program, or other programs or activities. While Franklin & Marshall may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (e.g., changes in housing) do not constitute Emergency Removals.

The Title IX Coordinator will notify Respondent of the terms imposed in connection with an Emergency Removal. Respondent has the opportunity to challenge the Emergency Removal upon receipt of that notice. In order to challenge the Emergency Removal, Respondent shall submit an appeal via email to the Vice President for Diversity, Equity and Inclusion for students matters, and the Associate Vice President for Human Resources for matters related to employees, within three (3) calendar days from the date of the notice of Emergency Removal, explaining why Emergency Removal is not appropriate.

In evaluating the appeal, Vice President for Diversity, Equity and Inclusion or Associate Vice President for Human Resources, as appropriate, may seek additional information from the Respondent or any other individual. The Emergency Removal will remain in place during the three calendar days in which an appeal may be submitted by the Respondent and while any appeal is pending. The Vice President for Diversity, Equity and Inclusion or Associate Vice

President for Human Resources shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

Separate from the Emergency Removal process, the Title IX Coordinator may request that the Associate Vice President for Human Resources, place an employee-Respondent on an administrative leave, with or without pay.

### **Decision-Making Process**

All documentary evidence provided to the parties under Section XI(B) will be made available at the Hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Hearing Officer.

The Hearing Officer is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the Hearing. For purposes of this Policy, “relevant” means that the evidence is probative, or confirming, of any material fact.

Evidence that is not relevant will be excluded at the Hearing and may not form the basis for any decision by the Hearing Officer. Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

The Hearing Officer will make decisions on responsibility using a preponderance of the evidence standard, which, per the U.S. Department of Education, means that it is more likely than not that harassment, discrimination, or violence occurred.

Generally, the Hearing Officer will hear from the Complainant first, followed by the Respondent. Each Party will have the opportunity to provide relevant evidence to the Hearing Officer. The Hearing Officer will ask relevant follow-up questions of each party. Each Party’s Advisor will have the opportunity to ask cross-examination questions of the other Party. Advisors are reminded of the importance of adhering to the Rules of Decorum in cross-examining the Parties and any witnesses.

With respect to cross-examination, Advisors are limited to asking only relevant questions. The Hearing Officer will determine whether questions are relevant prior to the Party answering the question. If the question is deemed not relevant, the Hearing Officer will provide a brief explanation and the question will be precluded. The Hearing Officer’s decision is not subject to challenge or objection during the Hearing.

A similar process and the same rules that apply to Parties will apply to the testimony of witnesses. Like the Parties, any witness may appear remotely, with technology allowing the Hearing



participants to simultaneously see and hear the witness. The Investigator may be called as a witness. At the Hearing Officer's discretion, the Investigator may be asked to testify before the Parties to facilitate an efficient presentation of evidence.

Each Party will have the opportunity to make a brief closing statement. The Parties will make any statements themselves, not through their Advisor.

### **Standard of Evidence**

The Hearing Officer will make decisions on responsibility using a preponderance of the evidence standard, which, per the U.S. Department of Education, means that it is more likely than not that harassment, discrimination, or violence occurred.

### **Possible Sanctions**

If the Respondent is found responsible for any Prohibited Conduct, the Title IX Coordinator will provide the Hearing Officer with the Respondent's prior conduct record for consideration in the Hearing Officer's recommendation of a sanction or sanctions. The range of available sanctions includes:

- Warning
- Reprimand
- Probation
- Suspension
- Expulsion
- Educational Conditions may also be included in the recommendation

### **Range of Protective Measures Available to a Victim Alleging Misconduct**

Supportive Measures may include, but are not limited to, the following:

- Access to counseling services
- Extensions of deadlines or other course-related adjustments
- Modification of work or class schedules
- Mutual restrictions on contact between the parties (i.e., "no contact" orders)
- Changes in work or housing locations
- Leaves of absence
- Separate waiting areas during the hearing
- Increased security and monitoring of certain areas
- Remote participation during hearing utilizing videoconferencing, but cameras must be kept on
- Any other measures deemed appropriate by the Title IX Coordinator to preserve equal access to Franklin & Marshall's programs and activities.

### **College-Initiated Protective Measures**

In addition to those protective measures previously described, the Title IX Coordinator or their designee, will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to:

- a College order of no contact
- residence hall relocation, adjustment of course schedules
- a leave of absence
- or reassignment to a different supervisor or position.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the College.

A student or employee's failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

Retaliation against an individual for participating in any way in a report, investigation, hearing or other proceeding under this Policy is strictly prohibited. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Allegations of Retaliation will be handled under the Code of Conduct for students and employment policies for faculty and staff. In evaluating whether retaliation has occurred, Franklin & Marshall may consider whether the conduct in question constituted protected rights or was covered by another institutional policy, including with respect to freedom of expression or academic freedom.

## **Community Standards Sexual Misconduct Policy**

### **How to File a Disciplinary Complaint Under the Community Standards Misconduct Policy**

Any person may report conduct constituting possible Prohibited Conduct to the Title IX Coordinator in person, by mail, by telephone, by email or via the online reporting form ([https://cm.maxient.com/reportingform.php?FranklinMarshall&layout\\_id=3](https://cm.maxient.com/reportingform.php?FranklinMarshall&layout_id=3)).

The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see Section IX) and to explain the process for filing a Formal Complaint.

More information can be found at

<https://sites.google.com/fandm.edu/student-handbook/code-of-conduct/community-standards-sexual-misconduct>

### **How the College Determines Whether The Community Standards Sexual Misconduct Policy will be Used**

All allegations of sexual misconduct, whether they fall under Title IX or Community Standards are reported to the Title IX Coordinator, who will provide resources, guidance about options, follow-up through appropriate resolution channels, and make any necessary referrals.

If the conduct does not fall under the definition of Title IX Sexual Harassment, as determined by the Title IX Coordinator, the Office of Student Affairs or designee (hereafter referred to as the Administrative Officer) will conduct an Administrative Review in cases of misconduct.

Community Standards Sexual Misconduct includes behavior by an individual or a student organization that does not constitute Title IX Sexual Harassment but has adverse effects on, or creates a hostile environment for, individuals participating or attempting to participate in Franklin & Marshall's education program or activity, or otherwise has a reasonable connection to F&M. It may constitute one or more of the following:

**Sex Discrimination:** Discrimination on the basis of sex. See Discriminatory Conduct policy.

**Sexual Harassment:** Sexual Harassment can be a single, serious incident or a series of related, repeated incidents. Sexual harassment is defined as unwelcome conduct of a sexual nature (verbal or physical conduct) when the conduct includes at least one of the following:

- is reasonably perceived as creating an intimidating or hostile work, learning or living environment
- unreasonably interferes with, denies or limits someone's ability to participate in or benefit from any educational program and/or activities
- is based on power differentials, the creation of a hostile or unwelcoming environment, or retaliation.

**Sexual Penetration Without Consent:** Penetration of the mouth, vagina, anus or sex organs of another person, however slight, by, an object or any part of the body, when consent is not present. This includes performing oral sex on another person when consent is not present.

**Sexual Contact Without Consent:** Knowingly touching or fondling the private body parts of another person, or knowingly touching a person with one's own private body parts, when consent is not present and for the purposes of sexual gratification or other improper motivation. This includes contact done directly or indirectly through clothing, bodily fluids or with an object. It also includes causing or inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

**Statutory Sexual Assault:** Non-forcible sexual activity with a person who is under the statutory age of consent.

**Domestic Violence:** Behaviors used by one person in a relationship to control the other. Domestic violence also encompasses actions as defined by the Clery Act, 34 CFR 668.46(a). Partners may be married or not married; heterosexual, LGBTQA; living together or separated.

**Intimate Partner Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the other. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Sexual Exploitation:** Taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

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

**Sexually Inappropriate Behavior:** Conduct that is lewd or obscene including sexually suggestive gestures or communication. Public masturbation, disrobing or exposure of one's self to another person without that person's consent are examples. This may be an isolated occurrence.

**Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for the person's safety or the safety of others or 2) suffer substantial emotional distress.

### **Steps in the Disciplinary Process**

Upon receiving information alleging misconduct, which is typically in the form of an Incident Report submitted by the Department of Public Safety, a College House Administration staff member, the Title IX Coordinator, or a student, the Administrative Officer will generally, follow these procedures:

- The student will receive a request in written form, by e-mail, or by telephone to meet or have an appointment scheduled to meet with an Administrative Officer.
- At the meeting with the Administrative Officer, the student will be informed of the reason for the meeting.
- Others present may include a support person, witnesses, representatives from the Committee on Student Conduct and liaisons with specific knowledge important to the case.
- The student will be asked for his or her account of the incident(s).
- The student may request to review the Incident Report, if applicable.
- If a violation of the *Student Code* has occurred, the Administrative Officer will discuss with the student the impact of their behavior and any necessary follow-up.
- Students are not presumed to be in violation of the *Student Code*; however, Administrative Officers are empowered to make decisions whether or not a violation of

the *Student Code* has occurred.

- At the conclusion of the meeting, if a decision has been reached by the Administrative Officer, the student will be informed of that decision and the sanction, if any. The student will also receive written verification of that decision in a timely fashion.
- If the Administrative Officer is not able to arrive at a decision at the conclusion of the meeting, the student will be informed of the outcome in written form in a timely fashion.
- A copy of this letter will be placed in the Student File.

Information in the Student File is confidential, but it may be used for legitimate educational purposes, including conferring prizes and awards, providing recommendations and imposing disciplinary actions.

### **Anticipated Timelines**

The object of these procedures is to provide a fair process that enables the College to have a reasonable opportunity to obtain facts and evaluate evidence. A hearing is not a trial, and these procedures should not be followed mechanically without consideration of the circumstances. No failure to follow these procedures will be the basis to change a disciplinary decision unless it has resulted in prejudice to the individual or individuals involved. When appropriate, the Vice President and Dean of Student Affairs and the Dean of Students have the authority to specify alternative procedures for deciding matters of student discipline.

The Committee on Student Conduct has jurisdiction in cases of academic and non-academic misconduct of individuals and recognized student organizations. The Committee observes the following procedures:

- The Dean of Students or designee will meet with the accused student to discuss the alleged misconduct prior to the hearing. At the pre-hearing interview the student will be advised of the charges against him or her, the procedures followed by the Committee, the Student Code and the student's responsibilities in the hearing process.
- The student will be informed in writing of the charges against him or her and that it is the student's responsibility to present his or her case before the Committee. This notice will be provided at least five (5) working days before the scheduled hearing date to ensure adequate opportunity to prepare. The specific time and location of the meeting will normally be stated in this notice.
- Statements written by those who referred the matter to the Office of the Vice President and Dean of Student Affairs or the Committee on Student Conduct will be shared with the accused student prior to the hearing.
- The student will be informed of the right to choose and be assisted in the hearing by an adviser who must be a member of the College community. The adviser may be present at the hearing and will be given copies of pre-hearing documents that were given to the student. The adviser may not address the Chair, the Dean of Students or designee, the Committee, or other persons at the hearing unless granted permission to do so by the Chair or the Dean of Students or designee, or unless the student asks the adviser to make either the opening or closing statement on behalf of the student. The roles of the adviser will be to assist the student in preparing for the hearing, to assist the student in

preparation of a written statement should one be appropriate, and to consult with the accused during the questioning of the accused student. It is highly recommended that the adviser meets with the Dean of Students or designee prior to the hearing. The Committee may elect to authorize other advisers for the hearing participants at its discretion.

- No member of the Committee on Student Conduct who feels he or she cannot be impartial or who has an immediate interest in a particular case may participate or be present during the proceedings.
- Students may question the impartiality of a member of the Committee prior to the hearing and request their withdrawal from the hearing. To do so, they must state their concerns in writing to the Chair. The Chair will then consult with the member in question. The final decision rests with the Chair.
- All hearings are closed. However, the Chair of the Committee may authorize the attendance of any person it believes may serve a legitimate purpose in the hearing process.
- The Committee will attempt to conduct the hearing in one session.
- The Committee will not consider written or oral statements against the student unless the student has been made fully aware of their content and of the names of those who made them, and unless the student has been given the opportunity to rebut unfavorable inferences which might otherwise be drawn. At the hearing, witnesses may be called by the Committee, by those who referred the matter to the Committee, and by the accused student(s). The Committee has the discretion to determine which witnesses and what evidence it will hear to provide the charged student with a fair hearing. The student's list of requested witnesses and any written information being submitted by the student for the Committee's review must be submitted to the Dean of Students or designee at least two (2) working days prior to the hearing.

### **Decision-Making Process**

At the hearing, witnesses are heard. The student then gives an accounting of the circumstances leading to the allegations. The Committee queries witnesses and then the student, who has the right to question the witnesses after the Committee.

The Committee deliberates in private after hearing the witnesses and evaluating evidence. In making its final decision, the Committee will review all of the information and determine whether it is "more likely than not" that the accused student is in violation of any part of the Student Code. The Committee must first determine if the accused is in violation of any part of the Student Code. If the student is found to be in violation, the Committee will make a recommendation to the Office of the Vice President and Dean of Student Affairs for an appropriate sanction.

At this time, background information may be brought to the Committee's attention to assist it in determining an appropriate sanction. In determining the appropriate sanction, the student's entire conduct record may be considered. The Office of the Vice President and Dean of Student Affairs typically gives substantial weight to the recommendation of the Committee, but reserves the right to revise the sanction that Committee recommends, or to impose one if deemed necessary.

Once the Office of the Vice President and Dean of Student Affairs has concurred with or revised the sanction recommended by the Committee, or imposed a sanction even if the Committee does not find sanctionable conduct, the student is informed as soon as possible of the decision. Written notification of the decision by the Committee and/or the Office of the Vice President and Dean of Student Affairs will be mailed to the accused, with such notification typically sent within four working days of the hearing.

The letter will also refer the student to information about the procedures involved in the decision. The person who brings the charge will be informed of the outcome of the hearing, unless the Office of the Vice President and Dean of Student Affairs decides otherwise. In sexual assault cases, the person bringing the charges will be informed of the outcome of the hearing.

The sanction goes into effect as determined by the Office of the Vice President and Dean of Student Affairs and ordinarily remains in effect during the appeal process. The student may request that the sanction be postponed during the period of the appeal. If an appeal is submitted, the Dean can give this permission after consulting with the Chair.

Copies of sanction letters are placed in the Student File, but there is no notation to the academic transcript, except for sanctions of Probation, Suspension and Expulsion. Information in the Student File is confidential, but it may be used for legitimate educational purposes, including conferring prizes and awards, providing recommendations and imposing disciplinary sanctions.

### **Standard of Evidence**

The Standard of evidence used in these hearing procedures is “More likely than not”. The Committee will review all of the information and determine whether it is “more likely than not” that the accused student is in violation of any part of the Student Code.

### **Possible Sanctions**

If a student or student organization is found responsible for violation(s) of the Franklin & Marshall Code of Conduct, disciplinary action will be taken. Even in the most challenging situations, however, the College seeks first and foremost to educate its students and make decisions regarding disciplinary actions from an educative perspective.

Every student who is found responsible for a violation will be placed on a Status ranging from a Warning to Expulsion. The descriptions provided below are intended to inform students of the range of possible consequences for failing to uphold the standards of conduct.

In each case, factors such as the nature and gravity of the incident, the motivation underlying the behavior, the student’s disciplinary history, the impact of the behavior on the educational community, and precedent in similar cases will be considered in determining the appropriate disciplinary action(s).

The Disciplinary Status listed below may be used alone or in combination with Discretionary Conditions. Failure to comply with any disciplinary action could result in a Disciplinary Hold being placed on the student’s account, and/or additional conduct charges and may result in additional

disciplinary action(s). When a student is placed on Probation as a result of disciplinary action, that is considered a change in standing, and parents will be notified.

- **Warning** - A warning indicates that a Student was found responsible for a minor policy violation. The warning period indicates that a student is in good standing with the College and that further violations during the warning period may result in an additional response from the College. Warnings may require specific conditions to be completed.
- **Reprimand** - A Reprimand means that a student was involved in a violation that is considered serious or repetitious, but also a learning opportunity that is not published on the permanent record. It is a reminder that future violations would likely come with more serious consequences. Reprimands may require specific conditions to be completed.
- **Disciplinary Probation** - A Probationary period indicates that a Student has been found responsible for serious or repetitive misconduct and has been put on notice that further violations during the probation may result in extension of the probationary period, additional conditions, suspension, or expulsion. During the period of probation, specific conditions may be assigned. All assigned conditions are required to be completed before their deadlines. Probation could restrict a Student from various leadership positions and opportunities on campus, including responsibilities as a House Advisor and the ability to study abroad.
- **Disciplinary Probation with Transcript Notation** - In serious violations, such as those involving violence or repetitive academic misconduct, the College reserves the right to list the Probation status on a student's transcript. At the completion of the active Probation period, a student may appeal to the Dean of Students for the removal of the notation.
- **Suspension** - Suspension is the immediate removal of the Student's affiliation with the College for a specific period of time, which includes exclusion from classes, College housing, and all other College activities.
  - Suspended Students are not allowed to be on campus for any reason during the period of suspension and may be arrested for trespassing if found on College property. Students are encouraged not to be present in the city of Lancaster during the period of suspension.
  - Specific conditions will be required to be completed prior to the Student's return.
  - When a student is placed on Suspension as a result of disciplinary action, that is considered a change in standing, and parents will be notified.
  - Suspension is an opportunity for a Student to return and successfully complete a degree from Franklin & Marshall. Students returning from Suspension must file a petition for readmission with the Dean of Students.
  - Once the term and the conditions of a suspension are completed, a Student will receive a formal letter from the College approving the return. It is the responsibility of the Student to contact their academic department to discuss



returning.

- Suspensions are recorded for a stated period of time on any College transcript issued as “Suspended, Committee on Student Conduct, (date)” or “Suspended, Administrative Action, (date).”
- Students are encouraged to participate in meaningful life experience during their separation, which could include working, performing community service, taking classes or some other engaged activity, and may request permission to earn up to two transferred academic credits per term during the period of suspension.
- **Expulsion** - Expulsion is a permanent involuntary separation of a Student from the College.
  - Under typical circumstances, readmission is not possible. It implies that an appeal for readmission would not be granted.
  - An expelled student forfeits the rights of membership and participation in the College Community and may not be on College property without prior permission of the Office of Student Affairs.
  - Expulsion is recorded on the student’s College transcript issued as “Expelled, Committee on Student Conduct, (date).” or “Expelled, Administrative Action, (date).”
  - If a student is expelled, the student’s case will automatically be reviewed by the Office of the Provost and the student will be invited to add any supporting arguments or documents. This step constitutes the first step in the appeal process.
  - When a student is expelled as a result of disciplinary action, that is considered a change in standing, and parents will be notified.
- **Discretionary Conditions** - In addition to a status, and in support of the educational goals of the discipline process, a student may be assigned conditions they must complete successfully in order to bring closure to their case. Conditions could include:
  - Workshop or class
  - Meeting with a mentor
  - Participation in restorative process
  - Online seminar
  - Reflection activity
  - Use of a campus or local resource
  - Loss of privileges
  - Community restitution
  - Meaningful life experience
  - Residential Probation
  - Removal from housing or reassignment of residence.

## Statutes for Student Organizations

- **Warning** - A warning indicates that a Student Organization was found responsible for a relatively minor policy violation. Written notice to a Student Organization that continued

or further violations of any College policy, rule, or regulation within a specific period of time may result in an additional response from the College. Warnings may require specific conditions to be completed.

- **Reprimand** - A Reprimand means that a Student Organization was involved in a violation that is considered serious, but also a learning opportunity. It is a reminder that future violations would likely come with more serious consequences. Reprimands may require specific conditions to be completed.
- **Probation** - Probationary periods indicates that a Student Organization is no longer in good standing with the College but is permitted to retain College registration on a probationary status. Further violations during the Probation period may result in extension of the probationary period, additional conditions, or suspension or expulsion. During the period of Probation, specific conditions may be assigned. All assigned conditions are required to be completed before their deadlines. If a Student Organization with an inter/national affiliation is found responsible for misconduct and is placed on a status of Probation, Franklin & Marshall will inform the national/international office of the decision.
- **Suspension** - Student Organization Suspension denotes the temporary revocation of College recognition and all privileges thereof, beginning immediately and for a period of time, with the opportunity of reinstatement. This Suspension is defined as having no existence of a formal or informal organization of students in the name of the organization, or any of its alumni organizations, on or off campus at Franklin & Marshall.
  - Suspended Student Organizations may lose certain privileges, such as use of campus facilities, participation in College activities, use of allocated funds, recruitment, or new member education activities.
  - If a Student Organization with an inter/national affiliation is found responsible for misconduct and is placed on a status of Suspension, Franklin & Marshall will inform the inter/national office of the decision.
  - If a Student Organization on suspension is found to be recruiting or initiating new members, individual Students will be held accountable and the return from Suspension for the organization could be in jeopardy.
  - Specific conditions will be required to be completed prior to the Student Organization's return.
- **Expulsion** - The Expulsion of a Student Organization denotes the permanent revocation of College recognition and all privileges thereof, without the opportunity for reinstatement at any time. This Expulsion is defined as a Student Organization having permanent exclusion from all College programs and services including, but not limited to: student government recognition, College funding, advertising the Student Organization and/or displaying the Student Organization name or letters; the inability to participate in or sponsor any activities as a Student Organization, to participate in recruitment and

pledging activities; or for Organization members to hold positions related to their membership in the suspended Student Organization (i.e., IFC or Panhellenic positions, applicable student government or judicial board positions).

- **Discretionary Conditions for Organizations** - In addition to a status, and support of the educational goals of the discipline process, a student organization may be assigned conditions they must complete successfully in order to bring closure to their case.
  - Workshop or class
  - Meeting with a mentor
  - Participation in restorative process
  - Reflection activity
  - Use of a campus resource
  - Loss of privileges
  - Community restitution
  - Residential Probation
  - Removal from housing or reassignment of residence.

### **Range of Protective Measures Available to a Victim Alleging Misconduct**

The College may impose interim measures as needed to provide for the safety and well-being of members of the College community, to protect College property or if there is an ongoing threat of disruption to the College's operations. The Vice President for Student Affairs and Dean of Students, or their designee, have authority to impose interim measures, which may include, but are not limited to:

- no communication/no contact orders
- providing a Public Safety escort on campus
- referral to counseling services
- residential, academic or employment modification
- interim suspension.

Interim suspension may include suspension of privileges, as well as suspension from the institution. During an interim suspension, a student may be denied access to College residences and/or the campus, including classes, may be located to a different residence, have class changes made and/or denied access to other College activities or privileges for which the student may otherwise be eligible. The interim suspension does not replace the student conduct process.

In proceedings under the Community Standards Sexual Misconduct process, the parties have the following rights:

- The right to a written explanation of the students' rights and options.
- The right to a prompt, fair and equitable process and the College will follow these procedures before the imposition of any disciplinary sanctions or other actions that are not interim or supportive measures against a respondent.
- The right to an objective evaluation of all relevant evidence. The parties will be provided with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a complaint.

- The right to a process conducted by adequately trained staff. Therefore, the College will ensure that staff involved in the process are appropriately trained as required by state and federal law.
- The complainant and respondent shall be provided with the same opportunities to have an advisor, of their choosing, present during any proceeding at which their presence is required or expected such as meetings with staff, the Investigator, informal resolution proceedings or hearings. The advisor's role in any meeting is limited to quietly conferring with their advisee through written or verbal communication and may be subject to other restrictions as determined by the administrative officer. The parties are responsible for identifying their own advisor, if they wish to have one.
- The right to simultaneous notification of actions taken in the proceedings including the result, appeal options, and final decisions.
- The right to a process that is free from conflicts of interest or bias.

### **College-Initiated Protective Measures**

In addition to those protective measures previously described, the Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to:

- a College order of no contact
- residence hall relocation, adjustment of course schedules
- a leave of absence
- or reassignment to a different supervisor or position.

These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures may constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the College.

## **Franklin & Marshall Title IX Sexual Harassment And Sexual Misconduct Policy And Procedure**

Franklin & Marshall College is committed to fostering a living, learning and working environment free of discrimination and harassment. Franklin & Marshall is subject to Title IX of the Educational Amendments of 1972 ("Title IX"), 20 U.S.C. §§1681, *et seq.*, which states that:

- "[n]o person in the United States shall, on the basis of sex, be excluded from participation in,
- be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Franklin & Marshall does not discriminate on the basis of sex and will not tolerate sexual misconduct in any form, including as defined by Title IX or Franklin & Marshall's community standards. Franklin & Marshall's complete Notice of Non-discrimination is available at:

Franklin & Marshall's Title IX Sexual Harassment and Sexual Misconduct Policy and Procedures ("Policy") applies to all Franklin & Marshall community members, including students, faculty, staff and third parties, such as volunteers, contractors and visitors.

#### Title IX And The Title IX Coordinator

The following individual is responsible for coordinating Franklin & Marshall's efforts to comply with Title IX and this Policy:

- Katharine J. Buchkoski, Ph.D., Title IX Coordinator, office located at room 313 in the Harris building kate.buchkoski@fandm.edu, 717-358-7178

## Title IX Definitions

Terms used in this Policy have the following meanings:

**Advisor** - An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent, subject to the provisions of Section X(C).

**Appeal Officer** - The individual responsible for determining the outcome of an appeal under Section XII. The Appeal Officer may be Franklin & Marshall's employee or an external contractor. The Appeal Officer will not be the Institution's Title IX Coordinator, nor the Investigator or Hearing Officer who were assigned to the matter that is the subject of the Appeal.

**Complainant** - An individual who is alleged to be the victim of Prohibited Conduct.

**Consent** - A knowing, voluntary and mutual decision among participants to engage in sexual activity

**Formal Complaint** - A document submitted by a Complainant and bearing the Complainant's physical or digital signature, or otherwise indicating that the Complainant is the one filing the Formal Complaint, requesting that Franklin & Marshall investigate the allegations of Prohibited Conduct. The Title IX Coordinator also may sign a Formal Complaint, as discussed in Section X, but does not become the Complainant by doing so. In order to file a Formal Complaint, a Complainant must be participating in or attempting to participate in Franklin & Marshall's education program or activity at the time a Formal Complaint is filed.

**Hearing Officer** -The individual responsible for conducting the Hearing under Section XI(D), reaching a decision on responsibility and recommending sanctions, if appropriate. The Hearing Officer may be a Franklin & Marshall's employee or an external contractor. The Hearing Officer will not be Franklin & Marshall's Title IX Coordinator, nor the Investigator who investigated the matter that is the subject of the Hearing.

**Informal Resolution Facilitator** - The individual responsible for facilitating Informal Resolution, as discussed in Section X(D). The Informal Resolution Facilitator may be Franklin & Marshall's

employee or an external contractor.

**Investigator** - The individual(s) responsible for conducting the investigation of alleged Prohibited Conduct, as discussed in Section XI(A). The Investigator(s) may be a Franklin & Marshall's employee or an external contractor. The Title IX Coordinator may serve as the Investigator.

**Party or Parties** - Party refers to a Complainant or a Respondent. Parties refers to Complainant and Respondent collectively.

**Prohibited Conduct** - Prohibited Conduct refers collectively to all actions constituting Title IX Sexual Harassment, as defined here.

**Respondent** - An individual who has been reported to have engaged in any form of Prohibited Conduct.

**Title IX Sexual Harassment** - (a) Definition. Title IX Sexual Harassment means conduct on the basis of sex that involves an employee of Franklin & Marshall conditioning the provision of an aid, benefit, or service of Franklin & Marshall on an individual's participation in unwelcome sexual conduct; or an individual engaging in unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to Franklin & Marshall's education program or activity.

Title IX Sexual Harassment also includes the following:

- **Title IX Sexual Assault** - Sexual assault includes any of the following Prohibited Conduct:
  - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration or attempted penetration by a sex organ of another person, without the consent of the alleged victim.
  - The touching of the private body part of another person for the purpose of sexual gratification without the consent of the alleged victim.
  - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Non-forcible sexual intercourse with a person who is under the statutory age of consent.
  
- **Title IX Dating Violence** - Violence, including sexual or physical abuse or the threat of such abuse, committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the alleged victim; and (b) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship, (ii) the type of relationship, and (iii) the frequency of interaction between the persons involved in the relationship.
  
- **Title IX Domestic Violence** - Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the alleged victim, by a person with whom the alleged victim shares a child in common, by a person who is cohabitating with or has cohabitated with the alleged victim as a spouse or intimate partner, by a person

similarly situated to a spouse of the alleged victim under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth alleged victim who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

- **Title IX Stalking** - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. For purposes of this definition, (a) course of conduct means two or more acts, including, but not limited to, acts in which the alleged 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; (b) reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and (c) substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Jurisdiction** - In order to constitute Title IX Sexual Harassment, the alleged misconduct must have occurred (i) in the United States, and (ii) in Franklin & Marshall's education program or activity, which is defined as locations, events or circumstances over which Franklin & Marshall exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Institution.

### **Retaliation**

Retaliation against an individual for participating in any way in a report, investigation, hearing or other proceeding under this Policy is strictly prohibited. No one may intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

Allegations of Retaliation will be handled under the Code of Conduct for students and employment policies for faculty and staff. In evaluating whether retaliation has occurred, Franklin & Marshall may consider whether the conduct in question constituted protected rights or was covered by another institutional policy, including with respect to freedom of expression or academic freedom.

### **Consent**

A person who wants to engage in a specific sexual activity is responsible for obtaining Consent for that activity. Silence or lack of resistance, in and of itself, does not constitute Consent. Consent can be given by words or actions, provided that those words or actions clearly communicate willingness to engage in the sexual activity.

Consent cannot be obtained through coercion. For purposes of this Policy, coercion is the use of threats (*i.e.*, words or actions) or intimidation (*i.e.*, implied threats) that would cause a reasonable person to engage in unwelcome sexual activity against their will.

Consent cannot be obtained from an individual who is incapacitated, where a reasonable, sober person initiating sexual activity would have known or reasonably should have known that the individual was incapacitated. An individual who is under the influence of alcohol and/or other drugs may be incapacitated, and therefore unable to Consent. However, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. Incapacitation is a state beyond drunkenness or intoxication, where an individual cannot make a knowing and deliberate choice to engage in the sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Other indicators that an individual may be incapacitated include, but are not limited to, the inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. An individual also may be incapacitated due to a temporary or permanent physical or mental health condition.

Consent may be withdrawn by any party at any time. An individual who seeks to withdraw Consent must communicate, through clear words or actions, a decision to cease the sexual activity. Consent is automatically withdrawn when a party is no longer capable of consenting. Once Consent is withdrawn, the sexual activity must cease immediately.

Consent must be re-established before resuming any sexual activity. Consent to one form of sexual activity does not, by itself, constitute Consent to another form of sexual activity. Consent to sexual activity on one occasion does not constitute Consent to sexual activity on other occasions. An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain Consent.

### **Reporting**

Any person may report conduct constituting possible Prohibited Conduct to the Title IX Coordinator in person, by mail, by telephone, by email or via the online reporting form [https://cm.maxient.com/reportingform.php?FranklinMarshall&layout\\_id=3](https://cm.maxient.com/reportingform.php?FranklinMarshall&layout_id=3). The Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see Section IX) and to explain the process for filing a Formal Complaint.

Complainants are encouraged, but not required, to proceed with a Formal Complaint. If the Complainant desires to proceed with a Formal Complaint, the Title IX Coordinator or designee will begin the Formal Complaint Processes (see Section XI). If the Complainant decides not to submit a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint when the Title IX Coordinator deems doing so necessary to address the possible Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment for all members of Franklin & Marshall's community. In deciding whether to sign a Complaint if the Complainant elects not to do so, the Title IX Coordinator may, but is not required to, consider factors such as whether the conduct alleged included threats, violence, serial predation or weapons. A Complainant is not required to submit a Formal Complaint in order to receive Supportive Measures.

### **Anonymous Reporting**

With the exception of Authorized and Responsible Employees, discussed in Section VII(B), any individual may anonymously report allegations of Prohibited Conduct by the online reporting



form ([https://cm.maxient.com/reportingform.php?FranklinMarshall&layout\\_id=3](https://cm.maxient.com/reportingform.php?FranklinMarshall&layout_id=3)).

Depending on the information provided, Franklin & Marshall's ability to take action in response to an anonymous report may be limited.

### **Reports To Authorized And Responsible Employees**

There may be instances when a student or employee discloses alleged Prohibited Conduct to an employee of Franklin & Marshall. Whether that disclosure constitutes actual notice to Franklin & Marshall, triggering its response obligations under this Policy, depends on the role of the employee to whom the disclosure is made, as follows:

- **Authorized Employees** - A disclosure or report of Prohibited Conduct made to an Authorized Employee (regardless of whether the disclosure is made by the Complainant or a third party) constitutes a report to Institution (*i.e.*, actual knowledge), triggering a response under this Policy. All Authorized Employees are required to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Authorized Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc.

The following individuals are Authorized Employees:

- Title IX Coordinator
  - Provost
  - Associate Vice President for Human Resources
  - Vice President of Student Affairs
  - Dean of Students
  - Assistant Deans of Student Affairs (also termed House Deans)
  - Department of Public Safety
- **Responsible Employees** - A disclosure or report of Prohibited Conduct made to a Responsible Employee (regardless of whether the disclosure is made by the Complainant or a third party) does not constitute a report to the Institution (*i.e.*, is not "actual knowledge") triggering a response under this Policy. Franklin & Marshall, as a matter of policy, requires Responsible Employees to promptly report disclosures of Prohibited Conduct to the Title IX Coordinator, including all information that has been disclosed to the Responsible Employee, such as the names of those involved, the location of the incident, the alleged Prohibited Conduct, etc.

All individuals who are considered employees of the College are Responsible Employees.

### **Privacy And Confidentiality**

Franklin & Marshall respects the privacy of individuals involved in any report of alleged Prohibited Conduct, meaning the Title IX Coordinator and others responsible for carrying out this Policy will disclose information only as required to implement this Policy or by law. If a Complainant requests that a report of Prohibited Conduct remain confidential (*i.e.*, with the Complainant's identity not being disclosed to the Respondent and an investigation not being commenced), the

Title IX Coordinator will evaluate that request in the context of Franklin & Marshall's responsibility to provide a safe and nondiscriminatory environment for all members of its community. Franklin & Marshall may question an employee-Respondent about alleged Prohibited Conduct without disclosing the identity of the Complainant, provided that it does not take disciplinary action against that Respondent without implementing the Formal Complaint Processes found on page 98 in this document.

The Complainant is not required to file a Formal Complaint to receive Supportive Measures as noted on page 80 in this document. but there may be instances when disclosing the Complainant's identity is necessary to provide certain Supportive Measures (*e.g.*, where the Respondent would need to know the identity of the Complainant in order to comply with a no-contact order). Franklin & Marshall will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair its ability to provide the Supportive Measures.

Only certain professionals at Franklin & Marshall are legally required to keep information shared by an individual truly confidential, without reporting it to the Title IX Coordinator. Those confidential resources and support services are discussed further on page 111 in this document.

#### **False Reports And Other False Information**

The submission of knowingly false information is prohibited and will be addressed under Franklin & Marshall's Code of Conduct for students and employment policies for faculty and staff. This provision does not apply to reports made and other information submitted in good faith, even if the facts alleged are not substantiated by an investigation and/or Hearing decision.

#### **Emergency Removals**

If at any point following the receipt of a report of Prohibited Conduct, Franklin & Marshall determines that the Respondent poses an immediate threat to the physical health or safety of the Complainant or any other person(s), including the Respondent, Franklin & Marshall may temporarily remove the Respondent from any or all of its programs or activities. The imposition of an Emergency Removal does not suggest a finding of responsibility for any Prohibited Conduct.

Before imposing an Emergency Removal, the Associate Vice President of Public Safety, or designee, will undertake an individualized safety and risk analysis concerning the Respondent at the request of the Title IX Coordinator. An Emergency Removal will be imposed only if the Associate Vice President of Public Safety concludes that the threat to physical health or safety arises from the allegations of Prohibited Conduct and warrants the removal.

An Emergency Removal may involve the denial of access to some or all of Franklin & Marshall's campus facilities, academic program, or other programs or activities. While Franklin & Marshall may provide alternative academic or employment opportunities during an Emergency Removal, it is not required to do so. Non-punitive actions taken as Supportive Measures (*e.g.*, changes in housing) do not constitute Emergency Removals.

The Title IX Coordinator will notify Respondent of the terms imposed in connection with an

Emergency Removal. Respondent has the opportunity to challenge the Emergency Removal upon receipt of that notice. In order to challenge the Emergency Removal, Respondent shall submit an appeal via email to the Vice President for Diversity, Equity and Inclusion for students matters, and the Associate Vice President for Human Resources for matters related to employees, within three (3) calendar days from the date of the notice of Emergency Removal, explaining why Emergency Removal is not appropriate. In evaluating the appeal, Vice President for Diversity, Equity and Inclusion or Associate Vice President for Human Resources, as appropriate, may seek additional information from the Respondent or any other individual. The Emergency Removal will remain in place during the three calendar days in which an appeal may be submitted by the Respondent and while any appeal is pending.

The Vice President for Diversity, Equity and Inclusion or Associate Vice President for Human Resources shall issue a decision as soon as possible under the circumstances. The decision is final and not subject to further appeal.

Separate from the Emergency Removal process, the Title IX Coordinator may request that the Associate Vice President for Human Resources, place an employee-Respondent on an administrative leave, with or without pay.

## Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services that may be provided to Complainants or Respondents upon request, when deemed by the Title IX Coordinator to be appropriate and reasonably available. Supportive Measures may also be imposed at the initiative and in the sole discretion of the Title IX Coordinator or designee. Supportive Measures are available beginning at any time after the submission of a report of Prohibited Conduct. Written notification will be provided describing the Supportive Measures.

A Complainant may seek and be provided Supportive Measures prior to or without ever filing a Formal Complaint.

Supportive Measures are designed to restore or preserve equal access to Franklin & Marshall's educational programs and activities, without unreasonably burdening the other party. Supportive Measures may be of any duration and may be modified at the discretion of the Title IX Coordinator, as circumstances warrant. Supportive Measures will be kept confidential to the extent doing so does not impair Franklin & Marshall's ability to provide them.

Supportive Measures may include, but are not limited to, the following:

- Access to counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modification of work or class schedules;
- Mutual restrictions on contact between the parties (*i.e.*, "no contact" orders);
- Changes in work or housing locations;
- Leaves of absence;

- Increased security and monitoring of certain areas; or
- Any other measures deemed appropriate by the Title IX Coordinator to preserve equal
- access to Franklin & Marshall’s programs and activities.

A student or employee’s failure to abide by the terms of any Supportive Measure may result in discipline and, depending on the circumstances, could be deemed to constitute Retaliation.

## Formal Complaint Processes

In order to commence Formal Complaint Processes, a Complainant must file a Formal Complaint with the Title IX Coordinator. Alternatively, if the Title IX Coordinator has received a report of Prohibited Conduct, but the Complainant elects not to submit a Formal Complaint or the Complainant is unknown, the Title IX Coordinator has the discretion to sign the Complaint if the Title IX Coordinator deems doing so necessary to address Prohibited Conduct, including in order to provide a safe and nondiscriminatory environment for all members of its community. In doing so, the Title IX Coordinator does not become the Complainant.

There is no time limit within which a Complainant must file a Formal Complaint. However, at the time a Formal Complaint is filed, the Complainant must be participating or attempting to participate in Franklin & Marshall’s programs or activities.

Pursuing a Formal Complaint does not preclude a Complainant from pursuing the filing of criminal charges. However, it is important to understand that the standard for criminal prosecution is different from that used in student and employee conduct proceedings. As a result, decisions rendered in either forum are not determinative of what will happen in the other.

If the Title IX Coordinator receives Formal Complaints against more than one Respondent or by more than one Complainant against one or more Respondents, or by one Party against the other Party (i.e., “counterclaims”), where the allegations of sexual harassment arise out of the same facts or circumstances and are so intertwined that the allegations directly relate to all of the Parties, the Title IX Coordinator has the discretion to consolidate the Formal Complaints. If Formal Complaints are consolidated, all Parties must receive the same version of the written determination.

### Written Notice

Upon the submission of a Formal Complaint, the Title IX Coordinator will provide written notice to the Complainant and Respondent, if known, including the following:

- A copy of this Policy.
- Notice of the allegations of conduct that may constitute Prohibited Conduct, with sufficient detail for the Respondent to prepare a response before any initial interview, including, if known, the identities of the Parties involved and the date and location of the incident.
- The presumption that the Respondent is not responsible for the alleged Prohibited Conduct unless a determination of responsibility is reached at the conclusion of the

Formal Resolution Process.

- Notice of the Parties' entitlement to an Advisor of choice at any meeting, interview or other proceeding related to the Formal Complaint, as discussed in Section X(C).
- The identity of the Investigator as described in Section XI(A).
- Notice that the Parties may inspect and review evidence gathered during the investigation as discussed in Section XI(B).
- Notice that Franklin & Marshall's Student Code prohibits knowingly making false statements or knowingly submitting false information during the Formal Complaint Processes.
- If additional allegations of conduct that might constitute Prohibited Conduct are identified during the course of the investigation and will be included in the Formal Complaint Processes, the Title IX Coordinator will issue an updated notice.

### **Dismissal for Purposes of Title IX Sexual Harassment**

If any of the following circumstances are met, the Title IX Coordinator will dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment:

- Even if proved, the misconduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined in Section IV;
- The misconduct alleged in the Formal Complaint did not occur in Franklin & Marshall's education program or activity, which is defined as locations, events or circumstances over which Franklin & Marshall exercised substantial control over both Respondent and the context in which the misconduct occurred, or any building owned or controlled by a student organization officially recognized by Franklin & Marshall; or
- The misconduct alleged in the Formal Complaint is not alleged to have occurred in the United States.
- Further, if any of the following circumstances are met, the Title IX Coordinator may dismiss the Formal Complaint for purposes of any form of Title IX Sexual Harassment, in the Title IX Coordinator's sole discretion:
  - Complainant notifies the Title IX Coordinator in writing that Complainant wishes to withdraw the Formal Complaint or any allegation in it;
  - Respondent is no longer enrolled or employed at Franklin & Marshall; or
  - Specific circumstances prevent Franklin & Marshall from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegation.

The Title IX Coordinator will promptly send notice of the dismissal, including the reasons for dismissal, to the Complainant and Respondent via email.

Both the Complainant and Respondent may appeal any decision to dismiss the Formal Complaint for purposes of Title IX Sexual Misconduct by submitting a request for appeal to the Title IX Coordinator by email within three (3) calendar days of the date of the Title IX Coordinator's email. The appeal will be determined using the procedures set forth in Section XII.

The notice of the dismissal will advise the parties whether the Formal Complaint will proceed as possible Community Standards Sexual Misconduct. The decision whether the matter will proceed

as potential Community Standards Sexual Misconduct, and not Title IX Sexual Misconduct, is not subject to appeal.

### **Advisors**

The Parties are entitled to identify an Advisor of their choice, who may accompany them to all investigative interviews, Hearings and other meetings or proceedings held in connection with a Formal Complaint (“Formal Complaint Process Proceedings”). An Advisor is a person who has agreed to provide support and advice to a Complainant or Respondent. The Parties are responsible for identifying their own Advisor, if they wish to have one. Franklin & Marshall will maintain a list of individuals who have agreed to serve as Advisors at no cost to Complainants or Respondents, whom the Complainant or Respondent may, but are not required to, contact to determine whether they are available for that purpose.

As discussed in Section XI(D)(5), the Parties must have an Advisor for purposes of conducting cross-examination at a Hearing. If a Party has not identified an Advisor to accompany them to the Hearing for purposes of conducting cross-examination, Franklin & Marshall will provide one for that limited purpose.

Except when conducting cross-examination as discussed in Section XI(D), Advisors may not speak aloud during any Formal Complaint Process Proceedings, including by addressing anyone other than the individual for whom they are an Advisor. The Advisor may confer with the individual whom they are advising quietly or by means of written notes. Parties may request a brief recess to consult with their Advisor, which may be granted at the sole discretion of the Hearing Officer. An Advisor whose presence is deemed at that individual’s sole discretion to be improperly disruptive as established by Franklin & Marshall will be required to leave and may be prohibited from participating in future Formal Complaint Process Proceedings.

While Franklin & Marshall may consider short delays in scheduling to reasonably accommodate an Advisor’s availability, whether to grant such a request is at the sole discretion of the Franklin & Marshall representative responsible for the event in question.

### **Informal Resolution**

Informal Resolution presents the opportunity for the Complainant and Respondent to resolve allegations of Prohibited Conduct without an investigation or hearing. Participation in Informal Resolution in lieu of the Formal Resolution Process is purely voluntary. Informal Resolution is available only when a Formal Complaint has been filed and the Parties agree to its use in writing. Informal Resolution may be used only with the approval of the Title IX Coordinator, who may deem its use inappropriate based on the specific allegations involved or other factors. Informal resolution is not available to resolve a student Complainant’s allegations that an employee has engaged in Title IX Sexual Harassment. Prior to initiating Informal Resolution, the Title IX Coordinator will provide the Parties with written notice disclosing the allegations, the requirements of the process, the right to withdraw from Informal Resolution to pursue formal resolution, and any consequences of participation (*e.g.*, as it relates to any subsequent formal resolution if Informal Resolution is not achieved).

Informal Resolution can be commenced at any point prior to the conclusion of a Hearing under the Formal Resolution Processes. It is conducted by an Informal Resolution Facilitator appointed by the Title IX Coordinator. The Complainant, Respondent, Title IX Coordinator or Facilitator may terminate Informal Resolution at any time prior to its completion. If Informal Resolution is terminated, the Formal Resolution Process will promptly commence or resume, as appropriate.

Informal Resolution may take many forms as agreed to between the Complainant, Respondent and Title IX Coordinator, including, but not limited to:

- **Facilitated Resolution** - Facilitated Resolution may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Mediation typically does not require an admission of responsibility for the Prohibited Conduct by the Respondent.
- **Restorative Justice** - Restorative Justice may involve the Complainant and Respondent being in the same or different rooms, but they will never be required to be in the same room. Restorative Justice typically requires an admission of responsibility for the Prohibited Conduct, or certain allegations, by the Respondent.

If the Informal Resolution is terminated such that the matter resumes the Formal Resolution Processes, specific statements made by either party during the Informal Resolution will not be documented or retained by the Title IX office or the Informal Resolution Facilitator, will not be shared with anyone outside the Informal Resolution Process, and may not be utilized in a subsequent Formal Process. Additionally, the Informal Resolution Facilitator shall not serve as a witness in a subsequent Formal Process.

The outcome of the Informal Resolution will be documented in an agreement or other form that is signed by both the Complainant and the Respondent. The outcome of Informal Resolution may not be utilized in a subsequent Formal Process, if any.

The College will attempt to complete the Informal Resolution process within thirty (30) calendar days of the Parties documenting their agreement to participate, subject to extenuating or unanticipated circumstances. That period may be extended at the discretion of the Title IX Coordinator.

## Formal Resolution Process

Franklin & Marshall strives to resolve Formal Complaints within ninety (90) calendar days of the submission of a Formal Complaint, but balances its desire to achieve a prompt resolution with the need to conduct a thorough and complete investigation, which may delay that timeframe. Delays might also result from a number of factors, including but not limited to the appeal of a dismissal as discussed in Section XII, impacts of concurrent criminal processes, or an attempt at Informal Resolution. The Title IX Coordinator may extend the time for completion of the Formal Resolution Process for good cause as determined in the sole discretion of the Title IX Coordinator, and will provide written notice to the Parties of the reason for extension or delay.

At the discretion of the Title IX Coordinator, possible violations of the Student Code of Conduct or other policies that occurred directly in connection with the alleged Prohibited Conduct may be, but are not required to be, addressed under the Formal Resolution Processes here in lieu of engaging in a separate decision-making process for those possible violations.

### **Investigation**

The written notice described in Section X(A) will identify the appointed Investigator(s). The College will typically use a dual investigator model. Either Party may object to the Investigator(s) on the grounds of conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, by submitting an objection to the Title IX Coordinator, or designee if appropriate, in writing within three (3) business days of receipt of the issuance of the written notice, absent exigent circumstances. The Title IX Coordinator or designee, in their sole discretion, shall determine whether a different Investigator should be appointed.

The Investigator(s) will conduct an investigation of the allegations in the Formal Complaint, and is responsible for interviewing the Parties and witnesses, and gathering relevant inculpatory and exculpatory evidence. The Investigator(s) may not access, consider, disclose or otherwise use records that are made or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional in connection with the provision of treatment to the Complainant or Respondent, unless the Investigator obtains the Complainant's or Respondent's, as appropriate, voluntary written consent to do so.

All Parties will have an equal opportunity to identify witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, for the Investigator(s). Parties will be provided with written notice of the date, time, location, participants and purpose of all investigative interviews in which they are expected to participate. Parties may be accompanied by an Advisor of their choice at any investigative interview, as described in Section X(C).

### **Investigation Report**

The Investigator(s) will prepare an investigation report summarizing all relevant evidence. The report will exclude all non-relevant evidence, as well as any evidence not subject to disclosure for reasons set forth herein (*e.g.*, medical records regarding which the Party has not authorized disclosure).

Prior to completing the investigation report, the Investigator(s) will send to both Complainant and Respondent, and their Advisors, if any, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether it is anticipated that the evidence will be used at the hearing or in connection with any decision on responsibility. The Parties are strictly prohibited from disclosing or disseminating the evidence to any third parties and from using it for purposes other than carrying out the Formal Resolution Processes.

Complainant and Respondent will have ten (10) calendar days to provide a written response



concerning the evidence to the Investigator(s), including identifying additional evidence for the Investigator's consideration prior to completing the investigation report. The response must be by the Party, not the Party's Advisor. A Party's response will be shared with the other Party.

After receipt of the Parties' responses concerning the evidence and at least ten (10) calendar days before the hearing, the Investigator(s) will provide the Complainant and Respondent, and their Advisors, if any, a copy of the investigation report. The Complainant and Respondent may, but are not required to, provide written responses to the investigation report. Any response must be by the Party, not the Party's Advisor. A Party's response will be shared with the other party.

### **Hearing Notice**

After the investigation report has been provided to the Parties and their Advisors, if any, and not fewer than five (5) calendar days before the hearing, the Title IX Coordinator will issue a Hearing notice via email advising the Parties of the following:

- The date, time and location of the Hearing.
- The specific charges of Prohibited Conduct subject to disposition at the Hearing and a brief description of the conduct resulting in the charges;
- The individual to serve as the Hearing Officer; and
- At the request of either party, the Hearing will take place with parties located in separate rooms with technology enabling the parties to simultaneously see and hear the party/witness answering questions. Requests for separate rooms must be submitted to the Title IX Coordinator via email at least ten (10) calendar days before the Hearing.

Any Party may object to the Hearing date or challenge the appointment of the Hearing Officer for bias or conflict of interest by submitting a written objection to the Title IX Coordinator via email within three (3) calendar days of the Title IX Coordinator issuing the Hearing Notice. The Title IX Coordinator, in their sole discretion, shall determine whether the Hearing Officer should be removed and/or the Hearing rescheduled.

Once the Hearing Officer is confirmed, the Title IX Coordinator will provide the Hearing Officer with a copy of the investigation report.

### **Hearing**

Hearings are governed by the procedures set forth below. The formal Rules of Evidence that may apply to any courtroom proceeding do not apply to Hearings conducted under this Policy.

The only individuals who may appear at a Hearing are the Complainant and Advisor, Respondent and Advisor, and witnesses called by the Hearing Officer. The Parties and their Advisors may be present throughout the Hearing, with the exception of any recesses for which they are excused by the Hearing Officer. Witnesses are permitted to be present only when providing testimony. The Investigator assigned to the complaint and/or Title IX Coordinator may be present throughout the Hearing, as may other Franklin & Marshall representatives at the discretion of the Hearing Officer. If a Party fails to attend a Hearing, the Hearing may be held in the Party's absence, at the discretion of the Hearing Officer.

**Witnesses**

At least five (5) days before the Hearing, the Hearing Officer will advise the Parties which witnesses will be requested to provide testimony at the Hearing. No later than two (2) calendar days after such notice, the Parties may request that additional witnesses be present at the Hearing. The request must be submitted to the Hearing Officer in writing, including a brief description of why the information is relevant to the determination of responsibility. Whether or not to approve such a request as potentially providing relevant information shall be in the sole discretion of the Hearing Officer, who will advise the requesting Party of the final decision. If the request is approved, the Hearing Officer will advise the other Party as well.

**Documents**

All documentary evidence provided to the parties under Section XI(B) will be made available at the Hearing, as well as all evidence produced by the Parties in their response. The availability of such evidence does not suggest a determination on relevance, which shall be made by the Hearing Officer.

**Relevance**

The Hearing Officer is responsible for making all determinations of relevance as to witnesses, questions and documentary evidence presented at the Hearing. For purposes of this Policy, “relevant” means that the evidence is probative, or confirming, of any material fact.

Evidence that is not relevant will be excluded at the Hearing and may not form the basis for any decision by the Hearing Officer. Evidence that is duplicative of evidence already in the Hearing record may be deemed not relevant. Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant’s prior sexual behavior are offered to prove that someone other than the Respondent committed the alleged conduct or if the questions and evidence concern a specific incident of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

**Standard of Proof**

The Hearing Officer will make decisions on responsibility using a preponderance of the evidence standard, which, per the U.S. Department of Education, means that it is more likely than not that harassment, discrimination, or violence occurred.

**Advisors at Hearings**

The parties may be accompanied by their Advisor at the Hearing. As discussed in Section X(C), the Advisor may not address the Hearing Officer, other Advisors or any other individuals participating in the Hearing. The only exception is with respect to cross-examination as discussed below. An Advisor who fails to do so may, at the sole discretion of the Hearing Officer, be required to leave the Hearing.

The parties shall inform the Title IX Coordinator whether they will be accompanied at the Hearing by their Advisor of choice by no later than ten (10) days before the Hearing. If a party has not identified an Advisor, Franklin & Marshall will provide one for the sole purpose of conducting

cross-examination as discussed below. The Parties may not conduct cross-examination themselves; cross-examination must be performed by an Advisor.

If an Advisor is required to leave a Hearing for any reason, the Hearing Officer shall recess the Hearing until Franklin & Marshall appoints an Advisor for purposes of cross-examination. Advisors provided by Franklin & Marshall will have an understanding of the purpose of cross-examination.

### **Hearing Procedures**

The procedures here provide the general framework for any Hearing. The Title IX Coordinator or Hearing Officer may alter certain procedures as deemed appropriate in their sole discretion to aid in the equitable resolution of the matter.

### **Recording**

The Hearing will be recorded by means of audio recording or recording of hearing if conducted online. Recesses taken or approved by the Hearing Officer, including for the Hearing Officer to consult with the Title IX Coordinator, Investigator or any other Franklin & Marshall representative, will not be recorded.

### **Parties**

Generally, the Hearing Officer will hear from the Complainant first, followed by the Respondent. Each Party will have the opportunity to provide relevant evidence to the Hearing Officer. The Hearing Officer will ask relevant follow-up questions of each party. Each Party's Advisor will have the opportunity to ask cross-examination questions of the other Party. Advisors are reminded of the importance of adhering to the Rules of Decorum in cross-examining the Parties and any witnesses.

With respect to cross-examination, Advisors are limited to asking only relevant questions. The Hearing Officer will determine whether questions are relevant prior to the Party answering the question. If the question is deemed not relevant, the Hearing Officer will provide a brief explanation and the question will be precluded. The Hearing Officer's decision is not subject to challenge or objection during the Hearing.

### **Witnesses**

A similar process and the same rules that apply to Parties will apply to the testimony of witnesses. Like the Parties, any witness may appear remotely, with technology allowing the Hearing participants to simultaneously see and hear the witness.

The Investigator may be called as a witness. At the Hearing Officer's discretion, the Investigator may be asked to testify before the Parties to facilitate an efficient presentation of evidence.

### **Closing Statement**

Each Party will have the opportunity to make a brief closing statement. The Parties will make any statements themselves, not through their Advisor.

## **Hearing Outcome Letter**

Within seven (7) calendar days of the conclusion of the Hearing, the Dean of Students will issue the Hearing Outcome Letter via email to the Parties if a student matter. The Associate Vice President for Human Resources or Provost, as appropriate, will issue the Hearing Outcome Letter via email to the Parties if an employee matter.

The Hearing Outcome Letter will include:

- A description of the allegations that led to the Hearing, as potentially constituting Prohibited Conduct.
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination.
- A statement of factual findings supporting the determination.
- A statement of the conclusions regarding the application of this Policy to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- An explanation of the disciplinary sanctions imposed on the Respondent, if any.
- A statement of whether remedies designed to restore or preserve equal access to Franklin & Marshall's education program or activity will be provided to the Complainant. Specific remedies will be identified in the Hearing Outcome Letter only to the extent those remedies directly affect the Respondent. The Title IX Coordinator is responsible for implementing such remedies.
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Outcome becomes final following the determination of the appeals, if any, or upon the date following the deadline for filing an appeal, if no appeal is pursued.

No further appeals of any kind are permitted.

## **Findings, Sanctions And Remedies**

### **Findings**

There are two possible findings:

- Responsible for a violation of College policy
- Not responsible for a violation of College policy

### **Sanctions**

If the Respondent is found responsible for any Prohibited Conduct, the Title IX Coordinator will provide the Hearing Officer with the Respondent's prior conduct record for consideration in the Hearing Officer's recommendation of a sanction or sanctions. The range of available sanctions includes:

- Warning
- Reprimand
- Probation
- Suspension
- Expulsion

- Educational Conditions may also be included in the recommendation
- Remedies

The Title IX Coordinator is responsible for the implementation of remedies designed to restore or preserve equal access to Franklin & Marshall's education program or activity. While remedies might constitute Supportive Measures, they also might be in the form of Sanctions.

### **Appeals**

Either Party may appeal a determination as set forth in the Hearing Outcome by submitting a written appeal to the Title IX Coordinator by email within five (5) calendar days of the Hearing Officer's issues of the Hearing Outcome Letter.

Appeals may be based on only one of the following:

- A procedural irregularity that affected the determination of responsibility;
- The existence of new evidence that was not reasonably available at the time of the Hearing that could affect the outcome of the matter; and
- The Title IX Coordinator, Investigator or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent, that affected the outcome of the matter.
- As discussed in Section X(B), appeals may also be based on the dismissal of a Formal Complaint alleging Title IX Sexual Harassment.

The appeal must be in writing and clearly explain the basis for the appeal. If the appeal is from the outcome of a Hearing, the Parties shall have access to the record of the Hearing to prepare their appeal on such terms as the Title IX Coordinator provides.

Upon receipt of an appeal, the Title IX Coordinator will notify the other Party that the appeal has been filed, permitting the party five (5) days to provide a response, and providing the parties with the identity of the Appeal Officer who will determine the matter. The Party's response will be provided to the appealing party, but no further exchange of positions is permitted.

The Title IX Coordinator will forward the appeal and the other Party's response to the Appeal Officer. The Appeal Officer will evaluate the appeal on the written record and recording of the Hearing, and may seek input from the Title IX Coordinator, Investigator and/or Hearing Officer as deemed appropriate in the Appeal Officer's sole discretion.

For appeals from a Dismissal in Section X(B), the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within ten (10) days of the Hearing Officer's receipt of the appeal materials.

For appeals from a Hearing Outcome, the Appeal Officer will typically issue a written decision on the appeal, including the result and a brief rationale, within ten (10) days of the Appeal Officer's receipt of the appeal materials.

If the Appeal Officer determines that:

- A procedural irregularity affected the outcome of the Hearing.
- New evidence exists that was not reasonably available at the time of the Hearing that could affect the outcome of the matter.
- The Title IX Coordinator, Investigator or Hearing Officer had a conflict of interest or bias for or against Complainants or Respondents generally, or with the individual Complainant or Respondent, that affected the outcome of the matter.

The Appeal Officer has discretion to direct a rehearing of the matter, adjust the finding and/or recommended sanction if any, or make any other equitable determination. The Appeal Officer's decision is final. No further appeals are permitted.

### **Recordkeeping**

Franklin & Marshall will retain required records created in connection with a Formal Complaint for seven (7) years. Such records may include those relating to any Informal Resolution, the investigation, any determination regarding responsibility (including any audio or audiovisual recording or transcript), any disciplinary sanction imposed, any appeal and any remedies provided to the Complainant designed to restore or preserve equal access to Franklin & Marshall's education program or activity.

Franklin & Marshall will also document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the education program or activity. If Franklin & Marshall provides no Supportive Measures to the Complainant, it will additionally document why such a response was not clearly unreasonable in light of all the known circumstances.

### **Training**

Any individual serving as Franklin & Marshall's Title IX Coordinator, Investigator, Informal Resolution Facilitator, Hearing Officer or Appeal Officer will receive training on this Policy, the scope of Franklin & Marshall's education program or activity, how to conduct an investigation and Formal Resolution Processes (including Hearings, Appeals and Informal Resolution, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias. Further, they will receive training on questions of relevance, and on preparing an Investigation Report, Hearing Outcome Letter or Appeal decision, as appropriate.

### **Additional Information And General Instructions**

Time frames listed in this policy will be adhered to absent exigent or unexpected circumstances. Complainants and Respondents will always have ten (10) calendar days to provide a written response for the Investigator's consideration prior to completing the investigation report. Advisors are expected to comply with the College's scheduling of hearings and other meetings.

## Franklin & Marshall And Community Resources

Resources available *year-round*:

[F&M Public Safety](#) : (717) 358-3939

[YWCA 24-Hour Sexual Assault Hotline](#) (confidential): (717) 392-7273 911

Resources available *during the academic year*:

[F&M Public Safety](#) : (717) 358-3939

[F&M Counseling Services](#) (confidential): (717) 544-9051

[F&M Health Services](#) (confidential): (717) 544-9051

YWCA 24-Hour Sexual Assault Hotline (confidential): (717) 392-7273

Office of Student Accessibility Services (717) 358-3989

Please contact Dr. Kate Buchkoski with questions regarding Title IX or this Policy. Questions may also be directed to:

Assistant Secretary for Civil Rights Department of Education Office for Civil Rights

400 Maryland Avenue, SW Washington, D.C. 20202-1100 Telephone: 800-421-3481 Email: OCR@ed.gov

## Higher Education Opportunity Act (HEOA) Notification to Victims of Crimes of Violence

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### Crime Definitions

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

**Manslaughter by Negligence** – The killing of another person through gross negligence.

**Sexual Offense** – An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system (see below). A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape** – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (Including forcible sodomy and sexual assault with an object.) This includes any gender of victim or perpetrator and instances in which the victim or perpetrator and instances in which the victim is

incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

**Fondling** – The touching of the 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** – The non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – The non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence** – The term ‘dating violence’ means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** – The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Stalking** – The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

**Robbery** – The taking or attempt 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 for an injury to result when a gun, knife or other weapon is used in the commission of the crime.

**Simple Assault** – Assaults and attempted assaults where no weapon was used and which did not result in a serious or aggravated injury to the victim. (Currently, this crime category only applies to hate crimes.)



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

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including 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.

**Liquor Law Violation** – 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 a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; or any attempts to commit any of the foregoing violations. Note: this list does not include public drunkenness and driving under the influence.

**Drug Law Violation** – Violations of State and local laws related to the possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics (Demerol, methadone(s); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violation** – The violation of laws or ordinances regulating weapons.

**Hate Crimes** – A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

**Disciplinary Referrals** – Incidents in which a student was not arrested but was referred for Campus disciplinary action for liquor law violations, drug law violations and illegal weapons possession.

**Three Year Jeanne Clery Disclosure of the Campus Security Policy and  
Campus Crime Statistics Act Report Lancaster, PA Campus**

Offense	Year	On Campus Property	*On Campus in Student Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
<b>Murder and Non-Negligent Manslaughter</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Manslaughter by Negligence</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Rape</b>	2021	6	5	0	0	1
	2022	10	8	0	0	0
	2023	4	4	0	0	0
<b>Fondling</b>	2021	2	2	0	0	0
	2022	11	11	0	0	0
	2023	8	7	0	0	0
<b>Incest</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Statutory Rape</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Robbery</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	1	0
<b>Aggravated Assault</b>	2021	0	0	0	0	0
	2022	5	0	0	1	1
	2023	7	5	0	1	0
<b>Burglary</b>	2021	4	3	0	0	1
	2022	5	5	0	0	0
	2023	2	1	1	0	0
<b>Motor Vehicle Theft</b>	2021	0	0	0	2	0
	2022	0	0	0	1	0
	2023	3	0	0	1	0
<b>Arson</b>	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

\*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. On Campus includes all properties owned or controlled by the College up to one (1) mile from the core of the Campus. There is "Non-Campus" student owned housing.

## Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report

### Arrests and Disciplinary Referrals Report Lancaster, PA Campus

Offense	Year	On Campus Property	*On Campus in Student Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
<b>Arrests:</b> Weapons – Carrying\ Possessing, etc.	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Weapons – Carrying\ Possessing, etc.	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Arrests:</b> Drug Abuse Violations	2021	1	0	0	3	0
	2022	1	0	0	0	0
	2023	1	0	0	3	0
<b>Disciplinary Referrals:</b> Drug Abuse Violations	2021	24	24	1	0	0
	2022	21	20	0	0	1
	2023	18	17	0	0	0
<b>Arrests:</b> Liquor Law Violations	2021	0	0	0	0	0
	2022	0	0	0	1	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Liquor Law Violations	2021	63	61	1	2	0
	2022	80	74	0	2	0
	2023	91	89	0	1	0

\*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. On Campus includes all properties owned or controlled by the College up to one (1) mile from the core of the Campus. There is “Non-Campus” student owned housing.

## Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report

### Annual VAWA Offense Report Lancaster, PA Campus

Offense	Year	On Campus Property	*On Campus in Student Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Domestic Violence	2021	5	4	0	2	0
	2022	6	6	0	0	0
	2023	6	6	0	0	0
Dating Violence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Stalking	2021	18	17	0	2	0
	2022	14	8	0	0	1
	2023	10	8	0	0	0

\*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. On Campus includes all properties owned or controlled by the College up to one (1) mile from the core of the Campus. There is "Non-Campus" student owned housing.

# Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report

## Hate Crimes Lancaster, PA Campus

2021:

There were three hate crimes reported in the calendar year 2021.

- (1) On Campus Housing theft biased by sexual orientation.
- (1) On Campus intimidation biased by ethnicity.
- (1) On Campus criminal mischief/vandalism biased by national origin and race.

2022:

There was one hate crime reported in the calendar year 2022.

- (1) On Campus criminal mischief/vandalism biased by religion.

2023:

There was one hate crime reported in the calendar year 2023.

- (1) On Campus Housing intimidation biased by sexual orientation.

Hate crime statistics are not collected or reported for Liquor, Drug, or Weapons Law Violations nor for Dating Violence, Domestic Violence, or Stalking.

Crimes include: Murder and Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny, Simple Assault, Intimidation, and Vandalism.

Biases include: Race, Religion, Gender, Disability, Sexual Orientation, Ethnicity, National Origin, and Gender Identity.

## Pennsylvania Uniform Crime Reporting Act Lancaster, PA Campus

### How crime rates are calculated

Crime rates per student and employee full-time equivalent (FTE) are computed as follows: the number of crimes in a category is divided by the student and employee FTE for that year. For example, in 2003, 90 thefts (larceny) occurred on Campus. The theft rate per student and employee FTE would be 90 thefts divided by the FY2003 FTE (2,414) or:  $90/2,414 = 0.037$  thefts per student and employee FTE.

<b>Part I Offenses</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Murder & Non-Negligent Manslaughter	0	0	0	0.000	0.000	0.000
Manslaughter by Negligence	0	0	0	0.000	0.000	0.000
Forcible Rape	5	9	4	0.001	0.003	0.001
Attempted Rape	0	1	0	0.000	0.000	0.000
Robbery	0	0	1	0.000	0.000	0.000
Aggravated Assault	0	5	8	0.000	0.002	0.003
Burglary	3	5	3	0.001	0.002	0.001
Larceny-Theft (Except Motor Vehicle)	23	26	37	0.006	0.008	0.011
Motor Vehicle Theft	2	1	2	0.000	0.000	0.001
Attempted Motor Vehicle Theft	0	0	2	0.000	0.000	0.001
Arson	0	0	0	0.000	0.000	0.000
<b>Total Part I</b>	<b>33</b>	<b>47</b>	<b>57</b>	<b>0.009</b>	<b>0.014</b>	<b>0.018</b>
<b>Part II Offenses</b>						
Drunkenness	4	2	3	0.001	0.000	0.001
Forgery and Counterfeiting	2	5	11	0.001	0.002	0.003
Fraud	1	7	1	0.000	0.002	0.000
Stolen Property (Receiving, Possessing, Buying)	1	0	0	0.000	0.000	0.000
Vandalism	11	15	23	0.003	0.005	0.007
Weapons (Carrying, Possessing)	0	0	1	0.000	0.000	0.000
Driving Under the Influence	0	1	0	0.000	0.000	0.000
Liquor Laws	66	83	96	0.019	0.026	0.030
Sex Offenses (Except in Rape & Prostitution)	5	11	8	0.001	0.003	0.003
Drug Abuse Violations	29	30	22	0.008	0.009	0.007
Disorderly Conduct	8	9	4	0.002	0.003	0.001
Trespass	13	24	24	0.004	0.007	0.008
All Other Offenses (Harassment/Noise)	110	114	122	0.031	0.035	0.038
<b>Total Part II</b>	<b>250</b>	<b>301</b>	<b>315</b>	<b>0.070</b>	<b>0.091</b>	<b>0.098</b>
<b>Total FTE</b>	<b>3562</b>	<b>3283</b>	<b>3199</b>			
<b>Students</b>	<b>2825</b>	<b>2616</b>	<b>2538</b>			
<b>Faculty</b>	<b>231</b>	<b>191</b>	<b>194</b>			
<b>Professional Staff</b>	<b>506</b>	<b>476</b>	<b>467</b>			

## Important Safety Tips

### Helpful hints to promote a safe environment for the entire Campus

The Franklin & Marshall College Campus and surrounding Community is generally a safe one, as you can see from the statistics included in this report. We hope you will enjoy living and learning in Lancaster. At the same time, there are important steps you can take to keep you, your friends, and valuables safe. For more information on staying safe in Lancaster, contact the Department of Public Safety.

### Campus Safety Tips

#### **Walk with a friend**

Never walk alone, especially at night. Remember, there is safety in numbers. If you can't find someone to walk with, use the shuttle or call the Department of Public Safety for an escort at extension 3939.

#### **Don't let strangers into the dorms**

When entering the residential halls, never hold the door for someone you don't recognize. If they really are residents, they will have a key, so you're not being rude. Keeping strangers out of the residential halls helps prevent the theft of personal belongings, vandalism, and assaults. Do not prop the doors open.

#### **Familiarize yourself with the locations of Campus emergency phones and the LiveSafe app**

There are emergency phones placed throughout Campus that will immediately connect you to Public Safety. Each phone is on a metal pole with a blue light at the top. Know where they are and how to use them. In addition, download the LiveSafe app on your Android or iPhone for a quick and convenient way to communicate with Public Safety.

#### **Don't leave personal items unattended**

Leaving valuables unattended tempts thieves. Unless something is locked up, there is a potential target for theft or vandalism. Be especially careful of laptops, cell phones, GPS units, iPads and iPods. Never leave purses, wallets, cell phones, or any other valuables in plain sight. A criminal is more likely to break into a car if there are items of value visible through the windows.

#### **Be aware of your surroundings**

Don't talk on cell phones while walking alone. Always walk with your head up, looking from side to side. Being alert makes you less likely to become a target.

### Car Safety Tips

#### **Use Secure Parking Lots and Don't Park on Side Streets**

The parking lots by the west side of the Alumni Sports and Fitness Center and Weis Hall are patrolled regularly by Public Safety vehicles, brightly lit and recorded by CCTV. They are the best place to keep your car. Parking on the street is much riskier; avoid it if possible.

**Always park legally**

Watch out for yellow curbs, fire lanes, no parking signs and bus stops. If you park illegally, it can result in an expensive ticket, or your car could be towed. Towing is aggressively enforced at College Row, so be sure to familiarize yourself with the guidelines.

**Avoid parking tickets**

Look for the street cleaning signs that are posted on poles around Campus. Your car will be ticketed by the city if you do not move it to allow for street cleaning.

**Register your vehicle with the College**

This allows you to legally park in the documented lots.

**Keep your car at home**

Remember, First Year students may not bring their vehicles to Lancaster.

**How to Reach Public Safety**

<b>*Department of Public Safety</b>	<b>(717) 358-3939</b>
Emergency phones (blue lights)	No dialing necessary
Williamson Field Parking Lot	No dialing necessary
Exterior Residence Hall Phones	No dialing necessary
All College Buildings & Residence Halls	3939
Anonymous Tip Line	(717) 358-4302
LiveSafe App	Tap the app and choose "Emergency Options"

\*The Department of Public Safety’s phone number (717) 358-3939 is clearly marked on Campus phones in public areas and is prominently listed in the College telephone directory.

**Other Important Telephone Numbers**

Title IX Coordinator Office	(717) 358-7178
YWCA Sexual Assault Hotline	(717) 392-7273
F&M Student Wellness Center	(717) 544-9051

**Local Emergency Agencies**

Lancaster Bureau of Police	9-1-1
Lancaster City Fire Department	9-1-1
Lancaster Shelter for Abused Women	(717) 299-1249
DVS – Domestic Violence Services	(717) 299-9677
Victim/Witness Services	(717) 299-8048



# 2024 ANNUAL FIRE SAFETY REPORT

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## Franklin & Marshall College For the 2022-2023 Academic Year, Containing Fire Statistics for 2021, 2022, and 2023

Franklin & Marshall College is located in the City of Lancaster, Pennsylvania. The Campus encompasses over 220 acres and has expanded to include over 81 buildings. The College has 9 dormitories located on Campus and 41 properties that are within walking distance to the College. All of the Campus properties that house students are protected throughout by integrated automatic sprinkler and fire alarm systems monitored 24 hours/day by the College's Department of Public Safety or a Lancaster City Bureau of Fire approved central station. These systems are inspected and tested in accordance with National Fire Protection Association (NFPA) standards. In addition, life safety systems are in place in all student housing including emergency lighting, fire doors, emergency exit doors and fire extinguishers.

The Director of Compliance and Risk Management oversees the fire and safety prevention for Franklin & Marshall College. This position will help manage and improve existing programs.

The Director of Compliance and Risk Management, working in collaboration with the Lancaster City Bureau of Fire and Franklin & Marshall College's Department of Public Safety, performs fire prevention education, inspections, pre-operational reviews, fire hazard analysis, fire extinguisher training and fire evacuation training programs. These programs are required to meet or exceed all local, state and national codes. The Director of Compliance and Risk Management also performs all required fire drills in college owned buildings, performs periodic building inspections, reporting of all fires, and maintains all statistical data required by the Department of Education in all college owned buildings.

The Office of Compliance and Risk Management is responsible for the training and education of all incoming students and active staff of the college in their required safety programs. The College has implemented and is expanding the Vector/SafeColleges training platform.

## Definitions

### Cause Of Fire

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire**

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire Drill**

A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-Related Injury**

Any instance in which a person is injured as a result of a fire including an injury sustained from a natural or accidental cause, while involved in fire control, attempting to rescue, or escaping from the dangers of a fire. The term “person” may include students, faculty, staff, visitors, firefighters or any other individuals.

**Fire-Related Death**

Any instance in which a person is killed as a result of a fire, including death resulting from natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of a fire.

**Fire-Safety System**

Any mechanism or system related to the detection of a fire, the warning from a fire, or the control of a fire. This may include extinguishing systems; fire detection devices; stand-alone smoke alarms; devices that alert the presence of a fire such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value Of Property Damage**

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quality. This estimate should include contents damaged by fire and related damages caused by smoke, water and overhaul; however, it does not include indirect loss, such as business interruption.

## Procedures for Evacuations

**Building Evacuations**

Natural disasters, such as earthquakes, floods, and catastrophes, such as chemical spills, biological threats, aircraft accidents, or explosions, are potential hazards that can affect any Campus.

We must be prepared for all of these, as well as human-made crises, which can come in the form of bomb threats, terrorism or violence on Campus. Each of the following evacuation plans are meant to provide a safe and efficient method to evacuate part of or the entire Campus in the event of a disaster on or near Campus or to shelter in place.

## **General Population Evacuation**

To be prepared for an emergency, at all times you should:

- Recognize the sound of the evacuation fire alarm.
- Know at least two ways out of the building.
- Know the predetermined meeting location for your group.

When you hear the evacuation alarm or are verbally instructed by an appropriate authority to begin evacuating the building:

- Make sure that all individuals in your area hear the alarm and evacuate the area by quickly checking nearby restrooms, copier rooms, storage rooms, etc. as you exit.
- Use the nearest stairway. Do not use the elevator.
- Accompany and assist persons with disabilities.
- Shut all doors behind you as you go. Closed doors can slow the spread of fire, smoke and water.
- Evacuate as quickly as possible but in an orderly manner. Do not push or shove.
- Once outside, move to your predetermined assembly area or follow the instructions of emergency personnel on the scene. Stay away from building entrances to avoid interfering with emergency personnel or equipment.

## **Evacuation Of Persons With Disabilities**

The following information provides basic guidelines for assisting persons with physical disabilities during an emergency evacuation.

The goal is to ensure that people with special needs and/or disabilities that cannot be removed to the outside of a building during an emergency are provided a safe haven until assistance can be provided. Areas of refuge are areas where persons unable to use stairways can remain temporarily to await instructions or assistance during emergency evacuation. Areas of refuge are marked by signage and decals on the floors of the buildings that contain them.

Employees and students who require special assistance, be it temporary or permanent, are encouraged to become familiar with their own facilities' evacuation plans and identify the primary and secondary evacuation route from each building that they use.

Once placed in an "area of refuge", Public Safety, local Police, Fire, or EMS, on the scene must be notified. A detailed location of where the person was placed must be provided. (Building, floor, room number or area.) This will provide rescue personnel the ability to evacuate the person in a timely manner.

## **Ground Floor**

Persons with physical disabilities should go to the nearest "area of refuge" on their floor.

## **Above or Below Ground Floor**

### **Visually Impaired**

Tell the person with the visual impairment the nature of the emergency and offer to guide the person to the nearest exit. Have the person take your elbow and escort him/her out of the building. As you walk, advise the person of any obstacles. When you reach your assembly area, orient the person to

where he/she is and ask if any further assistance is necessary.

### **Hearing Impaired**

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

### **Mobility Impaired**

Since elevators should not be used for evacuation during an emergency, persons with mobility impairments need assistance evacuating. Individuals who can walk may be able to evacuate themselves. Walk with the person to provide assistance if necessary. Evacuating individuals who are not able to walk is much more complicated. If there is no immediate danger, take the individual to the nearest "area of refuge" on their floor. Whenever possible, someone should remain with the person while another individual exits the building and notifies emergency personnel of the mobility impaired person's exact "area of refuge" location.

Only in situations of extreme and immediate danger should you try to evacuate a wheelchair user yourself. The person with the disability is the best authority on how he/she should be moved. Ask before you move someone. While it is best to let professional emergency personnel conduct the evacuation, a person with a mobility impairment can be carried by two people who have interlocked their arms to form a 'chair' or by carrying the person in a sturdy office chair.

### **Fire Evacuation Procedure**

Upon activation of the fire alarm, persons shall immediately proceed to the nearest exit and evacuate the building. Persons unable to evacuate on their own may proceed to the "area of refuge" located throughout Campus buildings to await assistance. Evacuating persons should ask persons needing assistance if they can help them to the nearest "area of refuge." You should assist them as requested and notify Franklin & Marshall College Public Safety, local Police, Fire, or EMS where that person is. Be as specific as possible about location so further assistance can be provided. Public Safety can be notified by called (717) 358-3939 or you can call 9-1-1 and notify Lancaster County Control. This will give authorities the opportunity to go to the "area of refuge" and remove the person or persons from the building to a safety.

Franklin & Marshall College has installed a siren that will be sounded when there is a Campus emergency. We recommend that you stay indoors or get to a safe location until you receive instructions from an Emergency Responder via text messaging, email, website or information line. Franklin & Marshall College's Emergency Alert is an instant, mass notification system powered by RAVE Mobile Safety. The Franklin & Marshall College Emergency Alert System is our effort to better disseminate emergency information via email and text, and is aimed at increasing safety on Campus.

## **Franklin & Marshall College Safety Policies**

The following policies are taken from the Franklin & Marshall College employee handbook, the College Life Manual, the student fire safety brochure and/or information available on our website.

### **Smoking/Vaping:**

In order to promote the health and safety, comfort and well-being of all members of the College Community, Franklin & Marshall College prohibits smoking of any kind to include vaping:

- Inside all buildings on Campus, including academic and administrative buildings, the Alumni Sports and Fitness Center and the Steinman College Center.
- In all indoor public areas and restrooms.
- In shared as well as private offices.
- In College Houses/College-owned residential facilities.
- At all indoor and outdoor athletic events.
- Inside College vans, chartered buses, or other College vehicles used for mass transportation.
- Within 30 feet of the entrance to or exit from any administrative or academic building on Campus.

Lighted smoking materials are not permitted in any indoor public areas of the College, offices, or Houses/College owned residential facilities. Smokers are expected to dispose of smoking materials properly and safely; trash receptacles are provided near most Campus buildings for this purpose.

### **Cooking And Portable Electric Appliances**

Air conditioners, hot plates, microwave ovens, electric heaters and heavy appliances, such as large refrigerators, are not permitted in any college housing. Micro-fridges (small 2.1 cu. ft. refrigerators with attached microwaves) or compact, energy efficient refrigerators are available to students through a rental agreement with a local firm. They may not be used in the Theme Houses due to voltage restrictions.

### **Prohibited Items In Residential Facilities** (except in designated approved areas such as kitchens)

- Non-UL extension cords are prohibited. Only UL approved power strips with surge protection are allowed.
- Space heaters and heating blankets.
- Any style of halogen light or lamp.
- Octopus lights and lamps (any light with more than three 'arms').
- Grills are not permitted inside facilities. Lighter fluid is prohibited in all areas.
- All non-College mattresses are prohibited in the residence halls.
- All types of foam mattress toppers (egg crate, memory foam, etc.) are flammable and are therefore prohibited.
- The College reserves the right to determine whether personal furnishings (chairs, couches, mattresses, lamps, etc.) are appropriate due to code, policy or space issues.
- Heat-producing appliances. This includes coffee makers, toasters, toaster ovens, hot plates, etc. They can only be located in kitchen or kitchenette areas.
- Candles, incense, hookahs, and other sources of *open flame*.
- Firecrackers/fireworks, gasoline, propane tanks, or other highly combustible items.

The College reserves the right to confiscate any prohibited item found in your room. They will be labeled and placed at the Department of Public Safety until the end of the semester. At this time,

you may claim your belongings, if the items are not deemed illegal.

### **Response To Fire Or Suspected Fire**

- If a burning odor or smoke is present, pull a fire alarm to activate the fire alarm system.
- If you are inside a room and the door is closed, feel the door before you open it.
- If it is hot, do not open the door. Stuff towels or blankets at the bottom of the door. Go to the window to signal for help.
- If it is cool, use caution in opening the door.
- If you can help control the fire without personal danger and have received training, take action with available fire extinguishers. If not, leave the area immediately.
- Never allow the fire to come between you and an exit. Leave the building, checking as you leave to make sure everyone has left the immediate area. Close doors behind you to confine the fire.
- Once you have evacuated the building, call Public Safety at (717) 358-3939 and report the location of the fire and the material burning if known.
- Remain at the scene in a safe location away from fire and report this information to emergency service personnel as they arrive.

### **Response To Audible Fire Alarms**

- If the audible fire alarm sounds, evacuate the building.
- If you can do so safely, shut off any gas in your area.
- Leave immediately; do not delay to locate personal items.
- Make sure that all members in your area respond to the alarm.
- Evacuate the area; as you exit, quickly check nearby restrooms, copier rooms, storage rooms, etc.
- Use the nearest stairway. Do not use elevators.
- Accompany and assist persons with disabilities.
- Shut all doors behind you as you go. Closed doors can slow the spread of fire and smoke.
- Evacuate as quickly as possible but in an orderly manner. Do not push or shove.
- Once outside, move at least 100 feet from the building.
- Meet at your assembly area so as to account for all members of your floor or department.
- Return to the building only when given the 'all clear' by Public Safety.

### **Fire Training Policy**

It is the policy of Franklin & Marshall College to require all employees and students to receive Fire Safety training on an annual basis.

Training is conducted in the following subjects where required:

- Evacuation Training - Employees shall be familiarized with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas and procedures for evacuation.
- Emergency Lockdown Training -Where a facility has a lockdown plan, employees shall be trained on their assigned duties and procedures in the event of an emergency lockdown.
- Fire Safety Training - Employees assigned firefighting duties shall be trained to know the locations and proper use of portable fire extinguishers, or other manual firefighting

equipment and the protective clothing or equipment required for its safe and proper use.

The Lancaster City Bureau of Fire provides firefighting duties. The College offers fire extinguisher training to all students, faculty and staff upon request. It is the policy of the College that employees do not fight fire, but evacuate the area.

### **Lancaster Bureau Of Fire Reporting Procedures For All Fires**

The State of Pennsylvania has adopted the Uniform Construction Code. This code in turn, adopts the International Building Code and the International Fire Code. The City of Lancaster has opted in and also has adopted these codes with regard to reporting fires. These Codes, along with local ordinances require that all unwanted fires that occur on a property are to be immediately reported, by the owner, to the fire department.

It is the policy of the Lancaster Bureau of Fire that all fires, regardless of when discovered, are to be reported as soon after the discovery as possible. These events should be reported to the on-duty shift commander of the City of Lancaster Bureau of Fire at (717) 291-4866. This would allow for an investigation into the cause and origin of the fire. (Lancaster City Bureau of Fire Policy)

## **Fire Evacuation Drill Policy And Procedure Policy**

The State of Pennsylvania has adopted the Uniform Construction Code (*U.C.C.*). This code, in turn adopts the International Building Code (*I.B.C.*) and The International Fire Code (*I.F.C.*). The City of Lancaster has opted in and has adopted these codes. These codes require emergency evacuation drills (*I.F.C. Section 405, sub section 405.1 to 405.9*). The frequency of required fire evacuation drills (*I.F.C. table 405.2*) for R-2 Occupancy classifications includes dormitories, fraternities and sororities (*I.F.C. page 26*).

The College will provide a supervised practice of a mandatory evacuation of a building for a fire. Educate all personnel to promptly exit via the nearest exit and to assemble in their predetermined locations.

The College will comply with the Codes of Lancaster City (*U.C.C.*, *I.B.C.* and *I.F.C.*) and conduct the required fire drills for all buildings involved:

- Students shall report any fire by calling 9-1-1, Public Safety (717) 358-3939 or by activating an alarm located in the building.
- Remain calm and if possible close windows in their room.
- Turn off any electrical items.
- Take only clothing that will be needed to exit the building based on weather conditions.
- Leave by the nearest exit.
- Do not use the elevators.
- Do not attempt to go back into the building even if the alarm stops. Wait until the Fire Official or Public Safety Officer has given permission to re-enter.
- In an actual emergency if you are trapped and not able to exit a room or the building, yell for help and call 9-1-1 or Public Safety (717) 358-3939 by using a house phone or cellular phone. Be sure to give your location in the building as best as you can for assistance.

### **Reporting a Fire for Inclusion in the Fire Statistics**

Per federal law, Franklin & Marshall College is required to annually disclose statistical data on all fires that occur in On-Campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 9-1-1. Once the emergency has passed, you should notify Franklin & Marshall College Public Safety at (717) 358-3939 to investigate and document the incident for disclosure in the College's annual fire statistics.

If a member of the Franklin & Marshall College Community finds evidence of a fire that has been extinguished, and the person is not sure whether Franklin & Marshall College Public Safety has already responded, the Community member should immediately notify Franklin & Marshall College Public Safety at (717) 358-3939 to investigate and document the incident for disclosure in the College's annual fire statistics.

### **Procedures Students and Employees Should Follow in Case of a Fire**

#### **Student Housing Evacuation Procedures in Case of a Fire**

- If you hear the fire alarm immediately evacuate the building using the nearest available exit. Do not attempt to fight a fire unless you have been trained to do so.
- Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.
- When leaving your room, be sure to take your key in case it is necessary to return to the room should conditions in the corridor deteriorate. Make sure to close the door tightly when evacuating.
- Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible.
- When the alarm sounds, shout (Example: there is an emergency in the building leave by the nearest exit) and knock-on doors as they make their way to the nearest exit and out the building.
- When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.
- DO NOT USE ELEVATORS. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Elevators have features that recall and deactivate the elevator during an alarm. Standing and waiting for an elevator wastes valuable time.
- Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

#### **Conducting Required Emergency Evacuation Drills (*I.F.C. 405.5*)**

All required emergency evacuation drills in college owned buildings are conducted according to State Code. Pennsylvania has adopted the 2009 International Fire Code.



### **Director of Compliance and Risk Management Duties**

- Record all statistical data.
- Establish date and time of drill, staff who are on duty and participating.
- Complete first fire evacuation drill within ten (10) days of Fall Semester.
- Provide information when requested within three (3) days.

### **Department of Public Safety Duties**

- Provide needed labor to complete evacuation and check all rooms and common areas to make sure all occupants have exited.
- Activate the alarm and reset the alarm upon completion of the drill.
- Confirm with Dispatcher in Public Safety that all is clear before giving the re-entry signal.
- One Officer will assist the Director of Compliance and Risk Management in timing of evacuation, providing the name of the Officer assigned entry and the building assigned.
- Time of event and needed personnel will be determined prior to event.
- All fire evacuation drills on Franklin & Marshall College Campus will be performed in conjunction with the Department of Public Safety.

### **Fire Event Log**

The Department of Public Safety, located at 609 Old Main Drive, maintains a log of all fire events that occur in the On-Campus student housing facilities including the Fraternity Houses. The log lists the date, time and nature of the fires as well as location of the fires.

### **Resident Halls and Housing on Campus (*Student Housing*)**

- North Ben Franklin – 709 Race Avenue
- South Ben Franklin – 637 Race Avenue
- Weis Hall – 779 Race Avenue
- Thomas Hall – 700 Williamson Way
- Schnader Hall – 620 Williamson Way
- Marshall Hall – 613 Old Main Drive
- Buchanan Hall – 607 Old Main Drive
- Roschel College House – 780 Williamson Drive
- Dietz Hall – 603 Old Main Drive
- 534 W. James Street
- 548 W. James Street
- 550-552 W James St
- 611 College Ave

### **Other Student Housing**

#### Fraternities and Sororities:

- Phi Kappa Sigma – 415 West James Street
- Kappa Delta – 431/433 College Ave
- Alpha Phi International – 435/437 West James Street
- Kappa Sigma – 441 College Ave
- Chi Omega – 442-444 West James Street

- Phi Kappa Psi – 558/560 West James Street
- Phi Kappa Tau – 605 College Avenue

**Apartment Buildings** *\*(Student Housing not owned by the College) –*

- 404 W. James Street
- 405 W. James Street
- 407 W. James Street
- 409 W. James Street
- 423 W. James Street
- 441 W James Street
- 442 N. Mary Street
- 444 N. Mary Street
- 446 W. James Street
- 448 W. James Street
- 503 W. James Street
- 504 W. James Street
- 510 W. James Street
- 512 W. James Street
- 520 N. Charlotte Street
- 526 N. Charlotte Street
- 546 W. James Street
- 554 W. James Street
- 555 W. Lemon Street
- 556 W. James Street
- 602 N. Pine Street
- 602 W. James Street
- 604 W. James Street
- 606 W. James Street
- 608 W. James Street

*\*College Row 700-800 Harrisburg Avenue (Student Housing not owned by the College)*

*\*College Hill Apartments – 602, 608, and 614 N Charlotte and 625 Lancaster Ave (Student Housing not owned by the College)*

*\*All buildings managed by a third party shall perform the required drills by the Lancaster City Bureau of Fire according to the 2018 I.F.C. as adopted.*

**Required Reportable Fire Data**

In compliance with the Department of Education’s required Annual Fire Safety Report, we are furnishing the following information:

- Number of fires in On-Campus housing facilities.
- Cause of fire.
- Number of fire related injuries that resulted in treatment at a medical facility.
- Number of fire related deaths.

- Value of property damage as a result of the fire.
- Description of each On-Campus housing facility fire safety system(s).
- Number of regular mandatory supervised fire drills.

## **Plans for Improvement**

Franklin & Marshall College continues to assess fire safety issues on Campus. Education and improvements to fire safety training will continue to be implemented. The College will continue to maintain and update for all F&M properties pertinent information regarding fire safety devices, building layouts, utility shut-offs and any other information. Franklin & Marshall College will continue to have a strong working relationship with the responding fire departments providing campus tours and having open lines of communication.

## Fire Statistics for Franklin & Marshall College Housing For Years 2021, 2022, 2023 Lancaster, PA Campus

Location	# of Fires			Cause & Category of Fire			Injuries requiring medical treatment			# of Deaths			Damage \$		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
	2 0 2 1	2 0 2 2	2 0 2 3	2021	2022	2023	2 0 2 1	2 0 2 2	2 0 2 3	2 0 2 1	2 0 2 2	2 0 2 3	2 0 2 1	2 0 2 2	2 0 2 3
N. Ben Franklin 709 Race Ave	0	0	1			cooking	0	0	0	0	0	0	0	0	0
S. Ben Franklin 637 Race Ave	0	1	0		Portable battery being charged caught fire		0	0	0	0	0	0	0	0	0
Weis Hall 779 Race Ave	0	0	0				0	0	0	0	0	0	0	0	0
Thomas Hall 700 Williamson Way	0	0	0				0	0	0	0	0	0	0	0	0
Schnader Hall 620 Williamson Way	0	0	0				0	0	0	0	0	0	0	0	0
Marshall Hall 611 Old Main Drive	0	0	0				0	0	0	0	0	0	0	0	0
Buchanan Hall 607 Old Main Drive	0	0	0				0	0	0	0	0	0	0	0	0
Roschel 780 Williamson Way	0	0	0				0	0	0	0	0	0	0	0	0
Dietz Hall 603 Old Main Drive	0	0	0				0	0	0	0	0	0	0	0	0
College Row Bldg. 1 701 Harrisburg Ave	0	0	0				0	0	0	0	0	0	0	0	0
College Row Bldg. 2 601 Harrisburg Ave	0	0	0				0	0	0	0	0	0	0	0	0
Harbaugh House 611 College Ave	0	0	0				0	0	0	0	0	0	0	0	0
Sustainability House 550/552 W. James	0	0	0				0	0	0	0	0	0	0	0	0
Wellness House 548 W. James St.	0	0	0				0	0	0	0	0	0	0	0	0
404 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
405 W James St	0	0	0				0	0	0	0	0	0	0	0	0
407 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
409 W James St	0	0	0				0	0	0	0	0	0	0	0	0
423 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
441 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
446 W James St.	0	0	0				0	0	0	0	0	0	0	0	0

Location	Cause & Category of Fire			Cause & Category of Fire			Injuries			# of Deaths			Damage		
	# of Fires	# of Fires	# of Fires	# of Fires	# of Fires	# of Fires	Injuries	Injuries	Injuries	# of Deaths	# of Deaths	# of Deaths	Damage	Damage	Damage
	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
503 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
504 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
505 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
510 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
512 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
534 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
546 W. James St	0	0	0				0	0	0	0	0	0	0	0	0
556 W. James St	0	0	0				0	0	0	0	0	0	0	0	0
602 W James St	0	0	0				0	0	0	0	0	0	0	0	0
604 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
606 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
608 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
555 Lemon St.	0	0	0				0	0	0	0	0	0	0	0	0
442 Mary St.	0	0	0				0	0	0	0	0	0	0	0	0
444 Mary St.	0	0	0				0	0	0	0	0	0	0	0	0
520 N Charlotte St.	0	0	0				0	0	0	0	0	0	0	0	0
526 N Charlotte St.	0	1	0		Napkin caught fire Due to smoking in room		0	0	0	0	0	0	0	0	0
602 Pine St.	0	0	0				0	0	0	0	0	0	0	0	0
<b>College Hill</b>															
602 N. Charlotte St	0	0	0				0	0	0	0	0	0	0	0	0
608 N Charlotte St.	0	0	0				0	0	0	0	0	0	0	0	0
614 N Charlotte St.	0	0	0				0	0	0	0	0	0	0	0	0
625 Lancaster Ave	0	0	0				0	0	0	0	0	0	0	0	0
<b>Greek Life:</b>															
<b>On Campus</b>															
Chi Phi 603 Race Ave.	0	0	0				0	0	0	0	0	0	0	0	0
Alpha Phi - 435/437 College Av	0	0	0				0	0	0	0	0	0	0	0	0

Location	# of Fires			Cause & Category of Fire			Injuries			# of Deaths			Damage		
	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
	2 0 2 1	2 0 2 2	2 0 2 3	2021	2022	2023	2 0 2 1	2 0 2 2	2 0 2 3	2 0 2 1	2 0 2 2	2 0 2 3	2 0 2 1	2 0 2 2	2 0 2 3
Kappa Delta 431/433 College Ave.	0	1	1		Fire in Dryer-electrical	Parchment paper caught fire while cooking	0	0	0	0	0	0	0	\$700	\$5900.00
Chi - Omega 442 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
Phi Sig Pi 554 W. James St	0	0	0				0	0	0	0	0	0	0	0	0
Phi Kappa Psi - 558-560 W James St.	0	0	0				0	0	0	0	0	0	0	0	0
<b>Non-Campus</b>															
Phi Tau - 605 College Ave	0	0	0				0	0	0	0	0	0	0	0	0
Kappa Sigma - 441 College Ave.	0	0	0				0	0	0	0	0	0	0	0	0
Phi Kappa Sigma - 415 W. James St.	0	0	0				0	0	0	0	0	0	0	0	0

\* The law requires institutions to break out the number of On Campus fires that occur in student residential facilities  
*Values are in dollars.*

On Campus includes all properties owned or controlled by the College up to one (1) mile from the core of the Campus. Housing which is owned or controlled by the College is included in 'On Campus' housing.

## Franklin & Marshall College Campus Housing Fire Evacuation and Suppression System Lancaster, PA Campus

<b>Fire Safety Systems and Building Information</b>							
Building Name / Address	Fire Alarm Monitoring Done on Site by F&M DPS	Partial <sup>1</sup> Sprinkler System	Full <sup>2</sup> Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation on Plans/Placards	# fire drills/ evacuation per calendar year
<b>Residential Facilities:</b>							
N. Ben Franklin	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
S. Ben Franklin	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Weis Hall	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Thomas Hall	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Schnader Hall	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Marshall Hall	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Buchanan Hall	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Roschel College House	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Dietz Hall	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
College Row Bldg. 1	Other <sup>4</sup>	N/A	Yes	Yes	Yes	Yes	4 per year
College Row Bldg. 2	Other <sup>4</sup>	N/A	Yes	Yes	Yes	Yes	4 per year
Harbaugh House 611 College Ave.	Yes	N/A	Yes	Yes	Yes	Yes	4 per year
Sustainability 550/552 W. James St.	Yes	N/A	Yes	Yes	Yes	No	4 per year
Wellness House 548 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
404 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
405 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
407 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
409 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
423 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
441 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
446 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
503 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
504 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
505 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
510 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
512 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
534 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	Not Req. <sup>3</sup>
546 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>

## Fire Safety Systems and Building Information

Building Name / Address	Fire Alarm Monitoring Done on Site by F&M DPS	Partial <sup>1</sup> Sprinkler System	Full <sup>2</sup> Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation on Plans/Placards	# fire drills/evacuation per calendar year
<b>Residential Facilities:</b>							
602 West James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
604 W. James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
606 W. James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
608 W. James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
555 Lemon St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
442 Mary St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
444 Mary St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
520 N. Charlotte St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	Not Req. <sup>3</sup>
526 N. Charlotte St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	Not Req. <sup>3</sup>
602 Pine St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
<b>College Hill:</b>							
602 N. Charlotte St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
608 N. Charlotte St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
614 Charlotte St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
625 Lancaster Ave.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
<b>Greek Life Housing:</b>							
Phi Kappa Sigma 415 W. James St.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
Kappa Delta 431/433 W. James	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
Alpha Phi 433/437 College Ave	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
Kappa Sigma 441 College Ave.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
Chi O 442-444 W. James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
Phi Sigma Pi 554 W. James St.	Other <sup>4</sup>	N/A	Yes	Yes	Not Req. <sup>3</sup>	No	Not Req. <sup>3</sup>
Phi Kappa Psi 560 W. James St.	Yes	N/A	Yes	Yes	Yes	No	4 per year
Chi Phi 603 Race Ave.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year
Phi Kappa Tau 605 College Ave.	Other <sup>4</sup>	N/A	Yes	Yes	Yes	No	4 per year

<sup>1</sup>Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>2</sup>Full Sprinkler System is defined as having sprinklers in both the common areas and individual rooms.

<sup>3</sup>Not required – These buildings are regulated by the residential code, not the building code. There is no provision in the Lancaster residential fire code that requires fire extinguishers.

<sup>4</sup>Other – Buildings monitored by outside provider who notifies F&M DPS.

\* The law requires institutions to break out the number of On Campus fires that occur in student residential facilities.

\* DPS is the Department of Public Safety

On Campus includes all properties owned or controlled by the College up to one (1) mile from the core of the Campus. There is Non – Campus student owned housing.



# Advanced Studies in England

*Bath, England Campus*

*Nelson House, 2 Pierrepont Street, Bath BA11LB England*

## Prologue, Advanced Studies in England (ASE)

*Franklin & Marshall College is pleased to comply with state (The College and University Security Information Act [PA Act 73, 1988]) and federal (the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended) laws requiring that colleges make security information and Campus crime statistics available to all prospective and current students and employees. This report summarizes crime prevention policies and refers the reader to the sources of the complete policies. Campus crime statistics, if not enclosed in this report, are available from the Department of Public Safety. This report is updated and published annually by the Department of Public Safety, Lancaster Campus.*

## **Annual Disclosure of Crime Statistics (ASE)**

Each year the Department of Public Safety, Lancaster Campus, prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report is located on the web at <https://www.fandm.edu/health-wellness-and-safety/public-safety/public-safety-compliance/index.html>

This report is prepared in cooperation with the local law enforcement agencies surrounding our Bath England Campus (ASE), the ASE Administration, ASE Director of Studies and others. All ASE employees, including Faculty and Social and Cultural Assistants are “Campus Security Authorities”. Campus crime, arrest and referral statistics are reported to the Franklin & Marshall College Department of Public Safety Lancaster Campus.

All statistics about crimes occurring on Campus are available upon request from the Lancaster Campus. Each year, enrolled students and staff are notified via email how to access the Annual Security and Fire Safety report on the website. Copies of the report may also be obtained at the Department of Public Safety on the Franklin and Marshall College Campus in Lancaster, PA.

## **Description of the College (ASE)**

Owned by Franklin & Marshall College, the Advanced Studies in England (ASE) program is administered in association with the University College, Oxford University, and is located in Bath, England. The program offers courses in literature, classics, government, history, theatre, and creative writing during the fall and spring semester as well as a summer session. During the summer and fall sessions, a Franklin & Marshall College faculty member typically leads one of the course offerings in Bath. Students studying with ASE also have the opportunity to participate in an academic internship. In addition to students from Franklin & Marshall College, the program enrolls students from other affiliate institutions, such as Oberlin, Bucknell, Denison and Gettysburg. During 2022, ASE employed 48 faculty, 3 full time staff, and a total of 138 students attending the program.

## **Crime Prevention and Safety Awareness Programs (ASE)**

ASE provides a variety of primary prevention and awareness programs for incoming students and new employees. Upon arrival, students are given all necessary guidance for living safely both verbally during Orientation Week and in written notices in their properties. The students are reminded of these issues throughout the semester particularly at regular housing committee meetings chaired by the Housing Manager and attended by the individual housing representatives for each ASE student residence.

A common theme of all security awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

All students should register themselves on-line with the Department of State before leaving the US (<http://travel.state.gov>). 'Smart Traveller Enrolment Program (STEP)' is the travel registration service for Americans who will be visiting or living abroad (it records your US and British contact details and passport number). This will enable the local Embassy to assist friends and family to reach Americans abroad in the event of an emergency.

### **Public, Political, and Natural Emergencies - including Terrorist Attacks**

- ASE Director and other members of the ASE staff to agree on priorities, roles and duties in the specific circumstances of the emergency
- Seek to account for all students, communicating with them from a safe and secure place using phones and computers. If land-lines are down, use a mobile phone to text/ring (or vice-versa). If there is a momentary restoration of communication networks, your mobile message may get through
- Advise students to get themselves to / remain in the safest location (depending on the nature of the emergency);
- To maintain regular contact with ASE Staff parents and carry their passports and any other form of identification with them, as well as any money and bank cards
- Maintain regular and ongoing communications with the Global Education Office at Franklin and Marshall College/ other Study Abroad offices / parents
- Contact the US Embassy to ensure they are aware of the situation and follow their advice. If evacuation out of the country is necessary, the Embassy may be able to assist in the arrangements.

## **How to Report a Crime, Suspicious Activity, or Emergency (ASE)**

### **Emergency Telephone Numbers at ASE**

ASE does not have a Campus Police Department. In an emergency, contact the local police, fire, and ambulance by dialing 999 (101 for non-emergencies). All crimes, including Clery crimes such as murder, non-negligent manslaughter, manslaughter by negligence, robbery, aggravated assault, burglary, arson, motor vehicle theft, hate crimes, liquor law violations, drug violations and weapon violations are to be reported promptly to the local police at Bath Police Station located at Council One Stop Shop, 3-4 Manvers Street, Bath BA1 1JQ

After Bath Police have been contacted, ASE students, faculty, professional staff, and their guests are encouraged to report any crime, unusual or suspicious activity or incidents, emergency, or potential safety hazard that occurs on or around college property to the ASE Staff, who are contactable 24 hours via the ASE Emergency Mobile phone when the study center is closed. ASE's emergency number is 07767 848265.

Any sexual misconduct including dating violence, domestic violence and stalking must be reported to the Title IX Coordinator promptly, consistent with F&M's College Policy.

## Staying Safe

ASE also sponsors educational outreach programs on a variety of other topics and is eager to discuss with students and employees some ways in which they might reduce their risks of crime or accident. In student housing, both on and off Campus, members of the ASE staff present educational programs to students to heighten awareness of safety issues related to fire, emergency preparedness, crime, personal safety, alcohol consumption, domestic and dating violence, stalking, and bystander intervention.

## Emergency Preparedness

ASE is responsible for complying with the College's emergency response and evacuation procedures. The College's Emergency Preparedness home page is <https://www.fandm.edu/health-wellness-and-safety/public-safety/prepare/index.html> We have designed these pages to inform the College Community about emergency preparedness – what to do in advance of a major emergency. We strongly encourage you to become familiar with the information contained in this website.

The site contains basic information and guidelines and each page highlights pertinent information in the event of an emergency that could affect students and the operations at ASE. Students are provided fire evacuation information, crime prevention information and safety information on their first day of Orientation.

In order to prepare for any emergency while US students are studying with ASE in Bath, ASE does the following:

- Compiles contact details for students (including passport and visa numbers), parents, emergency contacts at home institutions and other relevant organizations in the UK
- Issues the above information in the form of a confidential ASE emergency booklet to all ASE staff members at the beginning of each new session
- Provides students with a pre-arrival information package including a phone card and a card giving ASE contact telephone numbers, including a 24-hour number for use in emergency
- Provides home institutions with a 24-hour emergency ASE contact number to use in the event of emergency
- Asks home institutions to provide both their own students and ASE with an emergency contact number to be used in the event of an emergency
- Recommends all students register themselves online with the US Embassy in London before leaving the US, provide their name, Bath address and telephone number, email address, passport number, and planned departure date from the UK <https://travel.state.gov/content/travel.html>
- Maintains close and regular contact with students throughout their stay in Bath
- Conducts risk assessments for all ASE trips
- Provides ASE staff with guidelines for Health and Safety procedures

- Requires students notify ASE whenever they intend to travel away from Bath and to provide details of their destination and contact number on a sign-up sheet which is kept by the ASE emergency mobile phone holder
- Accesses the list-serve for the US State Department and posts any warnings on the Study Centre notice board
- The ASE Director acts as a Consular Warden for the US Embassy

In the event of a worldwide crisis, such as armed conflict involving US armed forces, ASE does the following in addition to the previous actions:

- Intensifies contact with students
- Provides parents with a 24-hour emergency ASE contact number to use in the event of emergency
- Maintains contact with home Campuses, updating information as and when changes occur
- Maintains contact with parents, updating information as and when changes occur
- Formulates contingency plans (including, if necessary, evacuation and/or repatriation procedures) after seeking relevant expert advice and in consultation with home institutions

## Emergency Telephones and Safety Tips

### Emergencies (of varying degrees of severity)

- Fire / Police / Ambulance – ring 999 / 112
- Short Advice for dealing with emergencies in Bath (or during ASE residential in Oxford and Stratford): 1 - Fire – get out ASAP; 2 - Public Emergency (e.g., terrorist attack) – stay inside (or get inside) and get in touch (with us, with your parents).
- Public Emergency on a Study Trip: follow the advice of the ASE Staff member present; if you are on your own, use your own judgement. Run and hide usually best option.
- Heightened state of alert in the UK, following London and Manchester incidents: be vigilant, report anything suspicious. (Remember: statistically, you are almost certainly safer here than you are at home.)
- Daytime emergencies or non-emergency calls: Ring the ASE office (Nelson House) 01225 447134, Mon-Fri, 9.00am-5.00pm GMT; 01144 1225 447134 from a US phone
- After 5.00pm: The ASE Emergency Number FOR EMERGENCIES ONLY is 07767 848265 (01144 7767 848265 from a US phone). This will be staffed 24/7, throughout the semester/summer term.

### Safety Reminders and Advice

- Ensure when you enter/leave Nelson House (esp. after 5pm) that the front door is properly shut: check it has closed and ‘clicked’ behind you.
- When walking home after dark, use well-lit main roads. Don’t walk alone.
- Always let trusted friends know where you are and who you are with.
- If the fire alarm sounds during the day, leave everything and vacate the building. Meeting point: Green Rocket Cafe. Do not re-enter until a staff member authorizes it.

- If fire alarm goes off in the evening, vacate the building, do not re-enter, call for fire services, ring ASE emergency number and await ASE representative.
- BEFORE travelling to the UK, program key emergency numbers into your cell phone. Keep the phone with you, charged and topped up at all times.
- The ASE Emergency Number FOR EMERGENCIES ONLY is 07767 848265 (01144 7767 848265 from a US phone). This will be staffed 24/7, throughout the semester. (For normal calls, the ASE number is 01225 447134, Mon-Fri, 9.00am-5.00pm GMT; 01144 1225 447134 from a US phone.)
- If you are a US citizen, register with the Smart Traveler Enrollment Program (STEP) This enables the US state department to know where you are while abroad.
- Check out and download the CitizenAID app, developed in consultation with emergency services and cross-government agencies in the UK.
- Once arrived in the UK, all ASE students are required to let us know whenever they are away from Bath, even for a single day, on anything other than an ASE-organized excursion.

Please observe this rule to the letter.

- Inform your friends about where you are going and when you intend to return.
- Be vigilant at all times, but especially in public places that attract many visitors.
- Look out for anything suspicious. If you see anything report it to the local police immediately - many terrorist attacks are foiled by the vigilance of ordinary people.
- Be clear about any routes you use and have a plan of action to follow in the event of an incident.
- Identify places like police stations, hospitals, and official buildings along your route where you could seek refuge in an emergency.
- Open your eyes to things/people around you every day that could help you in an emergency situation such as fire exits, help points, station staff, solid furniture/objects/structures, first responders, etc...

### **Travel Safety Websites**

Both the UK and US governments have useful websites for travelers, offering advice on safety – and warnings about those countries it is unwise to travel to. I recommend that you check these before making travel plans, or setting off on any independent trip from the UK.

The links are:

<https://www.gov.uk/foreign-travel-advice> <http://www.state.gov/travel/>

The UK's National Counter-Terrorism Security websites also offer valuable advice for the public on the steps they can take to keep themselves safe in the rare event of a firearms or weapons attack.

<https://www.gov.uk/government/organisations/national-counter-terrorism-security-office>

<https://www.protectuk.police.uk/>

## Campus Security Authorities (ASE)

The “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act” requires the College to collect and disclose crime data from the local police and Campus Security Authorities (CSA). The intent of including non-law enforcement personnel as Campus Security Authorities (CSA) is to acknowledge that many individuals and students in particular are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other Campus-affiliated individuals.

The function of a Campus Security Authority (CSA) is to report to the ASE Director and Dean of Students, those allegations of Clery Act crimes that are made in good faith. A Campus Security Authority (CSA) is not responsible for determining whether a crime took place—that is the function of law enforcement personnel.

Once a report is received, it must be forwarded to the Franklin & Marshall College Department of Public Safety, Lancaster. A representative of the Department of Public Safety will be available to assist you to determine what information should be reported and to work with you in maintaining the privacy of the individual. Reports filed in this manner are counted in the crime statistics for the College, but the identity of the victim is kept confidential.

## Timely Warning/Emergency Notification

### Timely Notifications

In the event of a substantiated serious safety concern, either on ASE property or in the near vicinity of the ASE buildings, or in areas to which ASE students are likely to be travelling during their time with ASE, numerous and diligent efforts are made to advise members of the ASE Community. ASE takes its duty seriously to inform students of threatening situations – and how they can best protect themselves from harm. As a result, information related to crime and other potentially threatening situations are provided in an accurate and timely fashion. ASE will release information which can be used by students and other ASE Community members to reduce their chances of becoming victims. Confidential information, such as the name or other identifying information of the victim(s) and other necessary parties, will be withheld from the warnings. These notices will be issued as an “ASE Timely Warning Notice” or an “Emergency Notification.”

### Timely Warning

The decision to issue an ASE Timely Warning Notice is made by the ASE Dean and Director in coordination and consultation with the Director of International Education at Franklin and Marshall. This information may be disseminated to ASE Community members via a variety of mechanisms or mediums. ASE will use one or more of the following means depending on the nature of the incident: electronic mail messages, text messaging to cell phones, postings and digital signage, and various social media channels.

### Emergency Notifications

ASE uses email and cell phone communication as its primary emergency notification system to notify students and employees in a timely manner when it is determined 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 ASE Community may contain only the information that is reasonably necessary to promote the safety of the ASE Community as dictated by the situation. Confidential information, such as the name or other identifying information of the victim(s) will be withheld from the warnings. An Emergency Notification will be released as soon as reasonably necessary and—without delay, taking into account the safety of the Community, 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.

## Missing Student

In advance of their arrival in the UK, ASE collects from all students’ confidential contact information, including their email address and international cell phone number (where they have one). The contact details of the emergency contact at their home institution, and of their parents/guardians is also collected. All emergency information is kept on file, and included in an Emergency booklet, issued to all ASE staff, which they are required to carry with them at all times.

ASE students are required to complete an ‘Away from Bath Sign-Up Sheet’ giving their whereabouts and contact details whenever they leave the city, except on an ASE-organized excursion. They are also strongly encouraged to join a closed Face Book group for their particular semester/summer.

All ASE students are advised that UK and US government websites contain useful information for travelers, including advice on safety – and warnings about those countries it is unwise to travel to. It is recommended that they check these before making travel plans, or setting off on any independent trip.

The links are:

<http://www.gov.uk/foreign-travel-advice> <http://www.state.gov/travel/>

In the event that a student is reported as missing, the ASE staff member who is alerted of the missing student must gather details of the sequence of events and contact the local police on the non-emergency number (101) to report the student missing if they feel the circumstances warrant it, regardless of the length of time the student has been missing. They should follow the advice of the police and keep in touch for updates. The ASE Dean and Director should be informed immediately.

The ASE Dean and Director, in turn, will inform the Director of International Programs at Franklin & Marshall of the student’s unexplained absence. The ASE staff member on 24-hour Emergency Phone duty – in concert with the ASE Dean and Director (and other ASE staff members, as required) – would continue to seek to establish their whereabouts, using the appropriate contact information and/or social media.

If a student's whereabouts could not be established via the channels indicated above for 24 hours, with the agreement of the Director of International Programs at Franklin and Marshall College, the emergency contact at the student's home institution would also be contacted and informed; along with the student's parents/guardians. All details would be recorded on an Incident Report form at Nelson House.

\*Note that no student on the ASE Program is less than 18 years of age. Notes: Useful link to likely police procedure in event of such a report: <https://www.gov.uk/report-missing-person>

## **Access to Facilities**

### **Nelson House**

The ASE study center (Nelson House) is open to students, employees, contractors, alums and any visitors associated with the afore-mentioned. Access is via an entry keypad for students and employees and by doorbell for all others. Business hours are 9am to 5pm (Monday – Friday), after which the staff offices are locked, but the building remains open for student use until 12 midnight. During the semester/summer school program, Relyon Securities check that the building is empty and alarm/lock Nelson House at 12 midnight (Mon-Sun). Relyon also opens up the building on the weekend at 9am (Saturday and Sunday).

### **ASE Student Residences**

All residential properties are accessed using keys and are accessible 24/7 to the students during semester time. All students have a house key, as well as the Housing Manager, the Cleaning staff, and the Maintenance Manager. A spare set is also kept locked in the ground floor office in Nelson House. Each individual is responsible for making sure the property is secure every time they enter or leave.

Students are always notified in advance when a contractor needs to have access to a residence. Contractors and the Housing and Maintenance Managers will always ring on the doorbell to gain entry to the property. Only the Dean and Director, the Housing Manager, the Cleaning Staff, or the Maintenance Manager will enter a property with a key if there is no one there to let them in.

Please note that the Lindley House is an exception, as it has a classroom located on the basement level. Tutors are provided with a key to enter the building with their students; they pick up the key before their class each week, and return the key to the ground floor office at the Nelson House promptly after their class. Linley House residents are advised of the Linley House teaching schedule prior to the start of classes each term. ASE Staff, contractors, cleaning staff, or the Maintenance Manager may occasionally need to enter without ringing the doorbell at Linley if it is during class time, so as not to disturb teaching. Linley House students will be advised in advance of any visits which fall out of the planned schedule for teaching, cleaning, or maintenance.

## The Residential System

### Safety in ASE Residences

The safety of our students both inside and outside their accommodations is always our first priority. On arrival, students are given all necessary guidance for living safely both verbally during Orientation week and in written notices in their properties. The students are reminded of these issues throughout the semester particularly at regular housing committee meetings chaired by the Housing Manager and attended by the individual housing representatives for each ASE student residence.

All ASE residences are subject to regular safety checks and are carefully monitored by the housing manager, qualified maintenance staff, housekeepers and landlords. All residences comply with current fire safety regulations (Fire doors are fitted throughout to protect the exit route and individual rooms, fire blanket in the kitchen, extinguishers where required, smoke and heat detectors throughout).

All ASE residences are protected by electrical circuit breakers should an appliance develop a fault. Extension leads are provided by ASE or landlord and are used under the guidance of our maintenance staff. The ASE Housing Manager and the cleaning staff visit each residence on a weekly basis and cleaners report any problems to the Housing Manager.

Each student, upon acceptance to the program signs a housing agreement stipulating house rules (e.g., no candles, no excessive noise, no smoking) and safety matters.

### Fire Safety

Fire safety procedures are explained to students at the beginning of each academic year and are reviewed periodically. Additionally, all student housing, academic and business buildings are given three fire evacuation drills per year. The Campus buildings are equipped with smoke detectors; emergency call points and other emergency equipment. Fire extinguishers are inspected regularly by the ASE Staff and certified annually by a fire safety provider. Fire alarm and emergency light systems are tested regularly by ASE staff and are inspected and maintained semi-annually by a certified provider. All Campus housing is equipped with smoke detectors and fire alarms. Fire safety and fire extinguisher training is available to all students, faculty, and staff upon request. The aim of the Policy is to make sure that in the event of fire all persons in the workplace are sufficiently familiar with the fire routine and fire safety arrangements, in order to prevent injury or ill health to employees, visitors and contractors. This policy is written as an extension of Advanced Studies in England's Health and Safety Policy.

Advanced Studies in England undertakes to liaise with Fire Risk Assessors (on a three-yearly basis) and Insurers (on an annual basis) and to act upon their advisements which will always include the following:

- to provide and maintain a safe means of escape in case of fire
- to provide an effective fire detection and alarm system capable of alerting all personnel within Nelson House

- to provide adequate and correct first aid fire-fighting equipment
- to provide training to all employees in evacuation drills and the use of first aid firefighting equipment
- to keep records of testing of the fire alarm system, emergency lighting, firefighting equipment and training of employees
- to carry out ongoing fire risk assessments.

## **Weapons, Explosives, and Hazardous Materials Policy**

For the purpose of this policy, the following definition shall apply:

Weapons include, but are not limited to: handguns, rifles, shotguns, and other firearms of all types, air guns, pellet guns, paint guns, and BB guns; axes, swords, and knives of any kind other than eating utensils; bows and arrows, cross bows, and any archery equipment, fireworks or ammunition of any kind; any martial arts or security equipment of a dangerous nature, including Chinese stars, nun chucks, brass knuckles, spiked gloves electronic stun devices, Taser guns, weapons constructed from “3D” printers and any other items which, in their intended use, are capable of inflicting serious injury.

Weapons are inconsistent with the educational purposes of the College and have no place in the College Community. Consequently, ASE strictly prohibits the possession, use, or introduction of weapons everywhere on Campus or any College owned or operated property. It is a violation of College policy for any student, faculty member, employee or visitor to possess any weapon or to introduce any weapon into the College Community.

Persons involved in possessing, supplying, or exploding firecrackers or setting fires are subject to expulsion from ASE. Additionally, chemicals and flammable liquids and gasses (including paint, varnish, etc.) shall neither be stored nor used in the residence halls. For the purpose of this policy, the following definition shall apply:

## **Prohibited/Dangerous Substances**

It shall be a violation of ASE’s policy for any student, faculty member, employee, or visitor to possess any ‘Prohibited/Dangerous Substance’ or introduce any such item into the College Community.

For the purpose of this policy, the following definitions shall apply:

### **Prohibited/Dangerous Substances**

Prohibited/Dangerous Substances include but are not limited to: explosives of any type; compounds (moldable putty or powder), liquid solvents, gasses, components of any type; caps, wiring, timers, remote devices, or other explosives. Devices; as defined for this policy, as being any mechanism, which could be detonated to cause an explosion resulting in death, injury or property damage.

## **Possession**

Physical possession on the person or placing or keeping a weapon at any location on the College Campus, including an individual's living quarters or workplace, in any vehicle, or in an individual's container (including, but not limited to, backpacks, briefcases, purses, wallets, bags, and luggage).

## **Introduce**

To bring onto College property or to assist anyone in bringing onto College property.

Students found in possession of any of the aforementioned items on Campus or in any College building, will be found in violation of the student conduct code and will be disciplined up to expulsion by the College.

## **Sex Offender Registration**

### **Sex Offenders – Sarah's Law (ASE)**

England's law differs from the United States in that people must inquire with their police department pertaining to someone they suspect of being a sex offender. The US has a database where one can enter the zip code or name of a person to see the sex offense charges.

<https://www.theguardian.com/society/2006/jan/18/childrenservices.politics1>

<https://www.nspcc.org.uk/services-and-resources/research-and-resources/factsheet-and-briefings/child-sex-offender-disclosure-scheme/>

<https://offenders.org.uk/?city=Somerset>

<http://www.somersetlive.co.uk/news/somerset-news/sarajs-law-how-can-you-39257>

## **Drug, Alcohol Policies and Education Programs**

### **Alcohol**

UK law permits the buying and drinking of alcohol by any person over the age of 18 years. Students are allowed to drink alcohol on ASE property and on ASE-sponsored trips, however they are expected to do so responsibly and are subject to disciplinary action if they drink in excess.

In the UK, adults of 18 years old and over may legally drink alcohol and smoke tobacco. All ASE buildings are NON-SMOKING, and ASE expects all those students who drink alcohol to do so responsibly. Since some people are intolerant of, or allergic to, smoke, or may not feel comfortable around others drinking alcohol, we try to allocate housing accordingly.

Show a responsible attitude toward alcohol. Any complaints about your behavior under the influence will be taken very seriously. Don't mistake a change in culture regarding alcohol for an absence of rules.

**From the Code of Conduct:**

ASE expects students to demonstrate responsible attitudes toward the use of alcohol. Program participants agree not to drink alcohol to excess. If the choice is made to drink, students agree to do so in moderation. If at any time the Program Director asks a student to refrain from consuming alcohol, the student agrees to abide by and respect that request.

NOTE: Students who choose to consume alcohol do so with the knowledge that they remain responsible for their actions at all times. Excessive and irresponsible drinking leading to intoxication and behavior that interferes with the program or the rights of others is subject to immediate disciplinary action.

**Recreational Drugs**

ASE is a no drugs program. Anyone found in possession of illegal substances (that is, illegal in the UK – that includes marijuana) is liable to be sent home.

**From the Code of Conduct:**

ASE is a no-drugs program. Any student found in possession of illegal substances will be subject to appropriate disciplinary action, up to and including termination from the program. Violation of behavioral standards, including but not limited to the examples listed below, will result in initiation of the Disciplinary Procedure:

- Self-endangerment, including involvement in activities or behavior that could result in personal harm, including, but not limited to, frequenting dangerous places, association with criminals, intoxication.
- Possessing, selling, or taking illegal drugs. Penalties for illegal drug possession can be harsher than in the US, and may involve both jail time and large fines.

**Medical Drugs**

Certain drugs used for physical and mental health treatment in the USA are controlled in the UK under the Misuse of Drugs Act 1971 and the Misuse of Drugs Regulations 2001. Students are advised to read the material on the following website if they are concerned that the prescription drugs, they are bringing with them might be controlled in the UK: <http://www.gov.uk/travelling-controlled-drugs>

Doctors in Bath will not administer or inject any American drugs which are not licensed in the UK. If you are taking medication which requires a doctor's or nurse's assistance you must make arrangements before your arrival (Please liaise with the ASE office). This is important for students requiring allergy shots even if you plan on bringing the serum.

Medication in the UK is often not the same as American drugs. Even the so-called "normal" prescription drugs and over-the-counter medications can be different. If you are taking any kind of prescription or chronic medication, please inform your doctor of your travel plans. Certain drugs may not be available here and you may not be able to refill prescriptions. You may need to stock up on your prescription before you leave the US.

## **Alcohol and Drug Abuse/Addiction**

The phone number of a drug and alcohol helpline is provided in the list of useful contacts given out at the mentor meeting in Orientation Week:

Drug and Alcohol Helplines 0808 163 9632 24 hr. Addiction Helpline

0300 123 1110 Alcohol Helpline (Daytime only)

0300 123 6600 24hr Drug Helpline

Students can be referred to Focus Counselling (a local counselling service with which ASE has links) and can receive assistance with payment from ASE.

## **Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

During meetings with their ASE mentor during Orientation week, all students are given a handout which details free and confidential helplines for use in cases of sexual assault, domestic violence and other eventualities. This includes details of the local free Sexual Assault Referral Centre:

The Bridge Sexual Assault Referral Centre, Bristol 0117 3426999

The Bridge is a Sexual Assault Referral Centre (SARC). It offers medical care, emotional and psychological support, and practical help to anyone who has been raped or sexually assaulted. [www.thebridgecanhelp.org.uk/](http://www.thebridgecanhelp.org.uk/)

This handout also gives details of ASE's Title IX Coordinator, Dr Lucy Marten, and reminds students that they have access to a 24/7 emergency phone line staffed by ASE. Dr Lucy Marten has met with local police concerning their response to sexual and domestic violence. Any action taken by UK police following an allegation of Domestic Violence will follow a sympathetic and victim-led process.

The handout contains the Student Help sheet: Sexual Assault and Warning signs of Sexual Misconduct. There are warning signs or "red flags" that indicate a risk of sexual misconduct. Students should be especially alert if the person you are with:

- Sits or stands too close to you or stares at you
- Tries to get you to use drugs or alcohol
- Tries to touch or kiss you or gets into your "personal space" when you barely know the person
- Wants to be alone with you before getting to know you, or pressures you to be alone together
- Does what the person wants to do without asking what you want
- Pressures you to have sex, or tries to make you feel guilty for saying no

## **Risk Reduction**

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and

communities address conditions that facilitate violence.

The following information about risk reduction is made available by the Rape, Abuse, and Incest National Network: <https://www.rainn.org>

### **Increasing On-Campus safety - Know your resources**

Who should you contact if you or a friend needs help? Where should you go? Locate resources such as a wellness center, Bath Police Station - Avon and Somerset Police, and a local sexual assault service provider. Notice where emergency phones are located around Campus and program the Bath Police Station - Avon and Somerset Police phone number into your cell phone for easy access. You can also call the ASE Emergency Phone 24/7 on 07767 848265 for help and assistance.

- *Stay alert.* When you're moving around on Campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or taking a cab to your destination. If you're alone, only use headphones in one ear to stay aware of your surroundings.
- *Be careful about posting your location.* Many social media sites, like Facebook and Foursquare, use geolocation to publicly share your location. Consider disabling this function and reviewing other social media settings.
- *Make others earn your trust.* A college environment can foster a false sense of security. They may feel like fast friends, but give people time to earn your trust before relying on them.
- *Think about Plan B.* Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you can't use a credit card? Do you have the address to your dorm or college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of jumper cables?
- *Be secure.* Lock your door and windows when you are asleep and when you leave the room. If people constantly prop open the main door to the dorm or apartment, tell security or a trusted authority figure.

### **Safety in social settings**

- *Make a plan.* If you're going to a party, go with people you trust. Agree to watch out for each other and plan to leave together. If your plans change, make sure to touch base with the other people in your group. Don't leave someone stranded in an unfamiliar or unsafe situation.
- *Protect your drink.* Don't leave your drink unattended, and watch out for your friends' drinks if you can. If you go to the bathroom or step outside, take the drink with you or toss it out. Drink from unopened containers or drinks you watched being made and poured. It's not always possible to know if something has been added to someone's drink. In drug-facilitated sexual assault, a perpetrator could use a substance that has no color, taste, or color.



- *Know your limits.* Keep track of how many drinks you've had, and be aware of your friends' behavior. If one of you feels extremely tired or more drunk than you should, you may have been drugged. Leave the party or situation and find help immediately.
- *It's okay to lie.* If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous. Some excuses you could use are needing to take care of another friend or family member, an urgent phone call, not feeling well, and having to be somewhere else by a certain time.
- *Be a good friend.* Trust your instincts. If you notice something that doesn't feel right, it probably isn't. Learn more about how to keep your friends safe in social settings.

## Sexual Assault, Domestic Violence, Dating Violence and Stalking (ASE)

ASE prohibits all crimes including the Clery crimes of murder, non-negligent manslaughter, manslaughter by negligence, aggravated assault, arson, burglary, robbery, motor vehicle theft, hate crimes, liquor law violations, weapons violations, drug abuse violations, as well as, the crimes of domestic violence, dating violence, sexual assault and stalking, as defined by the Clery Act.

### From the ASE Conduct and Discipline document

In compliance with Title IX regulations in the United States, ASE takes sexual harassment and/or misconduct especially seriously. Respect for all members of the ASE Community is expected. ASE regards sexual misconduct, sexual harassment and discrimination as unacceptable.

Sexual misconduct is an act of violence. It includes, but is not limited to, any non-consensual sexual contact, including any improper touching and/or penetration of intimate body parts; exposing oneself or engaging in other conduct of an improper sexual nature; and looking at or photographing another person who is naked or in a stage of undress without his or her knowledge and/or permission. A person who is incapacitated (which includes being under the influence of alcohol or other drugs), asleep, physically helpless, mentally disabled, or unconscious is considered unable to give consent.

Sexual harassment is gender-based verbal or physical conduct that has the purpose of unreasonably interfering with an individual's work or academic performance or that creates a humiliating, degrading, intimidating, hostile or offensive working/educational/living environment.'

ASE strongly encourages students to report instances of discrimination, sexual harassment and sexual misconduct to the Title IX Coordinator, Dr Lucy Marten. All ASE staff and faculty are Title IX mandated reporters and receive appropriate training regularly. A comprehensive Title IX policy developed by F&M Title IX Coordinator and Dr. Lucy Marten, ASE Title IX Coordinator is in place and is regularly reviewed.

Throughout this policy document the following terms will be used for clarity. The person who makes a complaint under Title IX will be called ‘the complainant’. Any ASE student/staff member/ member of the public against who a complaint is raised will be known as ‘the respondent’.

## Policy Terms (ASE)

**Capacity (ASE)**- Underage persons – those under the age of 18 – are not considered legally capable of giving consent. In UK law, the age of consent is 16 years.

Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes.” Someone who engages in sexual activity with someone whom they know to be – or should know to be – mentally or physically incapacitated because of alcohol or other drug use is committing sexual misconduct. This prohibition also applies when an individual is incapacitated because of mental disability, sleep, involuntary physical restraint or from the influence of incapacitating drugs such as ‘date rape’ drugs or alcohol.

Possession, use and/or distribution of any of ‘date rape’ drugs (including Rohypnol, Ketamine, GHB and others having similar effect) is prohibited, and administering any of these drugs to another or administering alcohol for the purpose of incapacitation is a violation of this policy. Evidence of incapacity includes, but is not limited to, slurred speech, bloodshot eyes, alcohol on the breath, poor equilibrium, vomiting, unusual behavior, unconsciousness, awareness of the observer that the person has ingested an excessive amount of alcohol or drugs or the knowledge of a witness that the person is incapacitated as a result of any of the above.

**Consent to Sexual Activity (ASE)** - Consent must be freely, willingly and enthusiastically given. Consent has an expiration date; consent to one sexual activity does not imply consent to another or more sexual activity. Prior sexual activity with a partner does not imply future consent. Consent must be given with each sexual act. Silence without activity demonstrating permission cannot be construed as consent. An individual cannot be understood to consent to sex unless that individual has the capacity to understand the behavior (See above for an explanation of “Capacity”).

**Coercion (ASE)** - Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want sex, want it to stop, or do not wish to go past a certain point of sexual interaction, continued pressure beyond that point is coercive. That pressure can be subtle and relentless. More obvious forms of coercion include: intimidating, shaming, harassing and embarrassing the victim. Examples include: calling the victim a prude, threatening the victim with exposure, threatening to spread rumors about the victim, or threatening to exclude the victim socially.

There is a difference between seduction and coercion. Coerced sexual activity violates this policy just as physically forced sex does. Coercion happens when someone unreasonably pressures someone else for sex. Seduction occurs when there is a clear and welcome willingness to be coaxed.

**Dating Violence (ASE)** - Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type and frequency of interaction.

**Domestic Violence (ASE)** - Under UK law the cross-government definition of domestic violence and abuse is: ‘any incident or pattern of incidents of controlling, coercive, threatening behavior, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.’ The abuse can encompass, but is not limited to:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

**Force (ASE)** - The use of a weapon of any type is force. Force can exist without the use of a weapon. Use of disparate weight and size to detain a victim is force. Physically restraining a victim is force.

**Nonconsensual Sexual Contact (ASE)** - ASE observes the United States Universal Criminal Code definition of non-consensual sexual contact (see below). However, ASE holds students responsible for behavior that violates the ASE Code of Conduct, a potentially higher standard than the criminal standard. Behavior that is not criminal may, nonetheless, be a violation of the ASE Student Code of Conduct. (See ‘Sexual Harassment’ below for examples.)

**Federal Bureau of Investigation definition of non-consensual sexual contact (ASE)** - “Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any body part or object, by a man or a woman upon a man or a woman, without consent. Non-Consensual Sexual Intercourse is any sexual penetration (anal, oral or vaginal), however slight, with any body part or object by a man or woman upon a man or woman, without consent. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.” ASE prohibits non-consensual sexual acts between parties of any gender identity.

**Stalking (ASE)** -. Stalking means a course of conduct directed at a specific person that would cause a reasonable person to fear for their or other's safety or to suffer substantial emotional distress. (Electronic stalking via phone, text, email or other web-based means is considered to be stalking.)

**Sexual Exploitation (ASE)** - Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostitution, non-consensual video or audio-taping of sexual or other private activity, exceeding the boundaries of consent (e.g., permitting others to secretly observe consensual sexual activity, videotaping of a person using a bathroom), engaging in voyeurism, or engaging in consensual sexual activity with another

person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of such infection.

**Sexual Harassment (ASE)** - Sexual harassment is gender-based verbal, non-verbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or that creates a humiliating, degrading, intimidating, hostile, or offensive working, educational, or living environment. Sexually offensive language and activities in ASE's public spaces constitute harassment. Stalking, either electronically or in person constitutes harassment. Examples include:

- "Catcalling," e.g., making public, gendered and/or sexual remarks about a person within others' hearing with or without the intended recipient's consent. Students are responsible for public conduct that may offend or intimidate bystanders.
- Publicly ranking a person's sexual or physical attributes without their consent. These behaviors attempt to reduce the value of the person being rated to a one-dimensional stereotype that is antithetical to an atmosphere of inclusiveness. This behavior is inherently disrespectful to all those of the gender being ranked regardless of the response of any single victim.
- Intruding in private spaces such as shower stalls and locker rooms.

Other types of harassment include comments, questioning, innuendos or jokes of a sexual nature. Derogatory comments referencing gender or sex, unwelcome sexual advances, propositions, threats, requests or demands for sexual favors all constitute sexual harassment. Displaying, posting, advertising or distributing offensive, indecent or abusive material of a sexual nature; leering or making obscene gestures; constitutes sexual harassment. Quid pro quo sexual harassment exists when submission to or rejection of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or when submission is made a condition of educational or employment advancement.

Respect for all members of the program Community is expected at ASE. Although sexually offensive depictions may also be seen as sexual harassment, ASE does not consider visual and/or aural demonstrations, depictions or conduct to be sexual harassment when there is a legitimate pedagogical context, such as material having an appropriate connection to course subject matter.

## **What to Do If You Have Been Sexually Assaulted (ASE)**

- Get to a safe place immediately; if you feel unsafe, call 999 for the Police.
- Contact someone who can help you. Students can speak in confidence to a number of helplines but should be aware that UK-based resources will be operating under a different legislative framework to Title IX. This will not affect their ability to help you or to offer a good service to anyone in need, but may cause some confusion.

Some resources are:

- **The Bridge Sexual Assault Referral Centre, Bristol:**  
24/7 helpline: 0117.342.6999: [www.thebridgecanhelp.org.uk](http://www.thebridgecanhelp.org.uk)

The Bridge offers medical care and emotional support for anyone affected by sexual assault. They can perform a safe exam and keep forensic material in case you decide later that you wish to speak to the Police.

- **Somerset and Avon Rape and Sexual Abuse**

Support Helpline for women and girls: 0808.801.0456 Helpline for men and boys: 0808.801.0464

- **Focus Counselling 01225**

The Crypt, St. Michael's Church, Broad Street, Bath, VA1 5LJ

- You can call the **ASE Emergency Phone** 24/7 on 07767 848265 for help and assistance. Please note that ALL ASE staff are Title IX mandated reporters and will have to report any incident to the ASE Title IX Coordinator, Lucy Marten at [lmarten@asebath.org](mailto:lmarten@asebath.org) or +44 (0) 1225 447134.

### **Other Steps:**

- Get medical attention as soon as possible. You may have hidden injuries and should explore options regarding pregnancy and the possibility of sexually transmitted diseases. The Title IX Coordinator, Dr. Lucy Marten can assist you with this and will accompany students to The Bridge Sexual Assault Centre in Bristol if required.
- Write down everything that you remember about the event(s), with as much detail as possible. This step can help both with your own healing process and in any legal or disciplinary action you may choose.
- Seek counselling or other sources of support. Talking with a trained mental health professional may help in coping with the aftermath of a sexual assault. Family and friends may also be a source of comfort and support. It is most important that you are comfortable with and trust the individuals in whom you choose to confide. For further counselling, ASE can book appointments with Focus Counselling in Bath. Please speak to Dr. Lucy Marten regarding ASE assistance with payment.

## **Where and How to File a Complaint Report or Receive Help (ASE)**

### **Deciding What to do**

A student has multiple options when considering what to do if the student is a victim of sexual misconduct. The student may take one or more of the following options:

- Speak confidentially with one of the designated confidential sources listed on the Student Help Sheet to determine next step.
- File a complaint with the ASE Title IX Coordinator.
- File a criminal complaint with the Police.
- Do nothing.

Each of these steps is described in detail below. Complaints with ASE and Police may be filed concurrently.

## Confidential Resources (ASE)

### **Confidential Reports of Sexual Misconduct that do not put ASE or Police on Notice**

Certain reports of sexual misconduct are not considered to be “filing a report with ASE” and do not put ASE or the Police on notice regarding an event of sexual misconduct, discrimination, or harassment. These reports are titled for purposes of this policy as “confidential reports” to resources that can advise victims of their options.

Students can speak in confidence to a number of helplines but should be aware that UK- based resources will be operating under a different legislative framework. Although they may not be familiar with the terminology of Title IX, this will not affect their ability to help or to offer a good service to anyone in need.

### **The Bridge Sexual Assault Referral Centre, Bristol**

24/7 helpline: 0117.342.6999: [www.thebridgecanhelp.org.uk](http://www.thebridgecanhelp.org.uk)

The Bridge offers medical care and emotional support for anyone affected by sexual assault. They can perform a safe exam and keep forensic material in case you decide later that you wish to speak to the Police.

### **Somerset and Avon Rape and Sexual Abuse**

Support Helpline for women and girls: 0808.801.0456 Helpline for men and boys: 0808.801.0464

### **Focus Counselling 01225**

The Crypt, St. Michael’s Church, Broad Street, Bath, VA1 5LJ

## Mandated Reporting of Sexual Misconduct

Franklin & Marshall College and ASE have a Mandated Reporter Policy. All employees are required to report within 24 hours any act of sexual misconduct they become aware of to the Title IX Coordinator, Dr. Lucy Marten, [L.Marten@asebath.org](mailto:L.Marten@asebath.org). The mandated reporter is required to give all names and information revealed to them.

Students are not restricted to bringing concerns to their assigned mentor and any student may approach any member of staff with whom they feel comfortable to report possible Title IX issues. For that reason:

### **Mandated Reporters**

All ASE Employees are Mandated Reporters including student Social and Cultural assistants and members of the Faculty. All students wishing to file a complaint, or seek information about options for filing a complaint, of sexual misconduct, harassment or discrimination, including domestic violence, dating violence or stalking should contact Dr. Lucy Marten, ASE’s Title IX Coordinator who acts as a Deputy to the Franklin & Marshall College Lancaster Title IX Coordinator. These complaints are considered private but not confidential reports: they invoke the requirements of Title IX and may, in some instances, initiate an ASE and/or home institution

investigation and possible college judicial process ASE makes every effort to respond to student requests for anonymity and a student's communicated preference to waive the disciplinary process, unless the allegations indicate an ongoing or likely future threat to the safety of the complainant and/or other members of the ASE Community.

Students should understand that a request for anonymity will limit ASE's ability to investigate and respond to the complaint. The Franklin & Marshall College Title IX Coordinator may inform Franklin and Marshall College's Vice President and General Counsel that an individual sought information regarding harassment or sexual misconduct; the identities of the involved parties will remain confidential and the information regarding the allegation will be shared on a need-to-know basis and treated with regard for the privacy of the parties involved. Complaints to ASE of sexual misconduct need not be immediate; complainants have up to two years from the date of the incident to report a complaint that may in turn be investigated by the home institution of the complainant.

Please note the following as well:

- A complaint against a member of the Faculty or Staff should be made to Dr. Lucy Marten, who will direct the complainant to the appropriate office(s) and assist in the coordination of the Title IX process.
- Complainants may be asked to confirm in writing that they decline at the current time, to file a formal complaint with ASE. This waiver does not preclude the right to file a complaint with ASE or the home institution at a later time. This waiver also does not preclude ASE conducting an investigation as required by Title IX.
- Complainants will be advised of their right to file a criminal complaint with the UK police.
- Once a complainant has filed a complaint, they may choose to resolve that complaint through mediation if appropriate (however, mediation is not utilized in cases of sexual assault), or the filing of a Formal Complaint with ASE.

## **Filing a Complaint – Options (ASE)**

ASE may issue an institutional no contact order if deemed appropriate or at the request of the reporting student or the responding student. If ASE receives a report that such an institutional no contact order has been violated, ASE will initiate disciplinary proceedings appropriate to the status of the responding student (student, employee, etc.) and will impose sanctions if the responding student is found responsible for violating the no contact order.

### **Filing a Criminal Complaint with the Police (ASE)**

Students may file a criminal complaint as follows:

- Meeting with the Title IX Coordinator, who will accompany them to the police. It is suggested that students contact Dr. Lucy Marten prior to filing a police report with the Bath Police unless there is imminent physical danger.
- Bath Police Station is located at the Council One Stop Shop, 3-4 Manvers Street, Bath. BA1 1JQ (just up the road from Nelson House).

ASE does not discourage any student from filing a report with the Police. However, ASE may be obligated to conduct its own investigation regardless of any criminal investigation. ASE will comply with law enforcement requests for cooperation; such cooperation may require ASE to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence.

ASE will promptly resume its Title IX investigation as soon as it is notified by the police that it has completed the evidence gathering process, although the delay in ASE's investigation may be longer in certain instances. ASE will implement appropriate interim steps during the police's investigation period to provide for the safety of the complainant(s) and the ASE Community and the avoidance of retaliation. ASE will pursue its investigation in a timely manner regardless of the progress of the criminal complaint, in which case the investigations may be simultaneous.

### **Three Choices for Resolution Following a Formal Complaint Made to ASE**

After filing a formal Complaint, a complainant has the option of requesting three different responses, which are briefly described below.

- **Mediation** - In a case of sexual harassment, a complainant may request a referral to a trained mediator who will facilitate understanding of the nature of the complaint by the respondent, attempt to address potential misunderstandings, if any, and resolve the complaint with respect for the privacy of the parties involved. Mediation is particularly appropriate when the complainant wants help in addressing the issue without pursuing formal action.

The complainant, however, may terminate the informal resolution procedure at any time and pursue a formal complaint. ASE does not participate in mediation of allegations of non-consensual sexual intercourse or sexual assault and advises against the use of mediation in this circumstance. A person who desires mediation as described above should write a letter to ASE's Title IX Coordinator outlining the complaint and requesting mediation. The Title IX Coordinator will meet with the complainant and respondent and refer the complaint to a trained mediator.

A person seeking mediation must agree to be identified to the respondent. A mediator begins mediation efforts within 10 business days and reports to the Title IX Coordinator that the mediation occurred. Complainants and respondents are encouraged not to discuss the complaint with other members of the Community except as required by the need for professional psychological counselling.

At the conclusion of a successful mediation, both parties sign a statement agreeing that the mediation was successful. If the mediation is unsuccessful, the complainant can proceed to a formal complaint and hearing, in a timely fashion, after the attempted mediation. A copy of the signed statement constitutes the record of the mediation.

- The Title IX Coordinator may, at the request of the complainant, meet with the respondent in the complaint of misconduct and issue a warning or reprimand regarding



the conduct and order that it cease.

- The Title IX Coordinator may also, at the request of the complainant, inform the Title IX Coordinator of the home institution of the respondent, of the complaint. The Title IX Coordinator of the respondent's home institution and the Franklin and Marshall Title IX Coordinator, in consultation with the ASE Title IX Coordinator and complainant, will define a course of action.

### **Advisors (ASE)**

If a complaint is made, the Title IX Coordinator will meet with the complainant to discuss the investigation process and possible outcomes. At this meeting the complainant will be informed of their right to be assisted in the hearing by an advisor of their choice. Advisors do not need to be members of the ASE Community. Advisors may be chosen from the ASE faculty or staff.

Any person identified as the respondent also has the right to choose an advisor, but the complainant and respondent must choose separate advisors. If the complainant and respondent have no preference for their advisors but choose to have an advisor, the Title IX Coordinator may assign advisors.

The complainant and respondent must notify the Title IX Coordinator of their choice of advisor within 2 business days of filing or notification of the complaint. The advisors may be present at the investigation interview with the respondent or complainant but may not speak in the interview. Both the complainant and respondent will be asked to make a written statement concerning the complaint, including witness names. Their advisors may assist in the writing of these documents.

## **What Happens After You Have Decided to File a Formal Complaint with ASE?**

Persons who desire to file a formal complaint about an act of sexual misconduct committed by a student have recourse through the procedures of ASE established by this Policy. After a formal complaint is filed, certain procedures are applied. These procedures apply to complaints of sex discrimination/misconduct by students or third parties against students, third parties, and all employees. These policies apply to incidents taking place either on or off ASE- owned/managed property or during ASE-sponsored travel. Conduct that occurs while on ASE sponsored travel can be the subject of a complaint or report, and will be evaluated to determine whether it violates this policy, e.g., if off-site harassment has continuing effects that create a hostile environment on the Program.

The procedure is as follows:

### **Meeting with ASE's Title IX Coordinator**

Upon notice to a mandated reporter, the complainant will be directed to ASE's Title IX Coordinator (if the original complaint was not filed with the Title IX Coordinator) within 24 hours to discuss the investigation process and possible outcomes. At this meeting the complainant will

be advised to choose an advisor from the faculty or staff of the ASE program. It is not required that the parties choose an advisor. If an advisor is chosen, the complainant and respondent must notify the Title IX Coordinator of the name of the advisor within 2 business days of filing or being notified of the complaint. The complainant and respondent will be given information folders at the meeting with the Title IX Coordinator.

The information folder for each contains:

**Complainant**

- Student help sheet: 'What to do if you have been sexually assaulted'
- Student Help Sheet: 'Possible Responses to Trauma'
- Interim Measures and Accommodations for the Complainant
- Rights of the Respondent and Complainant
- Investigation message for students

**Respondent**

- Rights of Respondent and Complainant
- Investigation message for students

**Writing the Complaint**

The complainant will be assisted by their advisor in writing a formal complaint. This document is a description of the incident giving names of possible witnesses and details that will be helpful to the Title IX Director in investigating the complaint.

**Informing the Respondent**

Within two business days of ASE's Title IX Coordinator receiving the complaint, the respondent will meet with the Title IX Coordinator and be notified of the allegation. The respondent may choose at any point to admit responsibility. The respondent must submit in writing their admission of responsibility to the Title IX Coordinator who in consultation with Franklin & Marshall College's Title IX Coordinator may determine an appropriate sanction.

If the respondent does not choose to admit responsibility, the respondent will be advised to choose an advisor. The student is not restricted in the choice of an advisor and may choose someone who is not from the ASE Community. It is not required that the parties choose an advisor. The respondent will be given the information packet for respondents. The respondent will be asked to submit a list of witnesses to the Title IX Coordinator within two business days.

**Remedies for the complainant will be determined**

Upon becoming aware of a complaint of misconduct, the Title IX Coordinator may institute measures be taken to protect the complainant. The following interim measures and accommodations may be put in place before a formal complaint has been filed. These may include, but are not limited to, the following:

- Change in living situation.
- Change in work situation.
- A limited contact order.
- Assuring that if the complaint and respondent attend the same classes the limited contact order is observed. The respondent may, in some instances, be removed from the class.

- Providing an escort to ensure that the complainant can move safely between classes.
- Referral to counselling and Health Care services.
- Providing academic support services such as tutoring.
- Arrange for the complainant to re-take a class or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record, and
- Reviewing any contemplated disciplinary actions against the complainant subsequent to the complaint/report, to see if there is a causal relation between the harassment and the misconduct that may have resulted in the complainant being disciplined.
- ASE will provide written notification about existing victim advocacy, legal assistance, student financial aid, and appropriate visa and immigration assistance.
- ASE will maintain as confidential any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of ASE to provide the accommodations or protective measures.

Some of these measures and others may become permanent depending on the outcome of the complaint.

### **Investigation**

The Title IX Coordinator investigates complaints of sexual misconduct in a prompt, impartial and thorough manner. Within three business days of the notification of the respondent, the ASE Title IX Coordinator, after collaborating with the Franklin & Marshall College Title IX Coordinator, will begin the investigation of the complaint and collect any evidence. It is the responsibility of the ASE Title IX Coordinator to take custody of and arrange safekeeping of any physical evidence to be used in making a determination, subject to the qualification that law enforcement authorities should handle evidence related to the commission of a crime that has been reported to them.

The investigation generally should be concluded within 10 business days; however, in certain cases, depending on the complexity of the investigation or coordination with law enforcement, the investigation may take more than 10 (ten) business days. The respondent and complainant are expected to participate in all facets of the investigation and are expected to be forthcoming and to answer truthfully all of the questions posed during the investigation. Both the complainant and the respondent may be accompanied by their adviser when attending all interviews for the purpose of explaining the process and providing support.

Advisors may not speak during the investigation interview. The respondent and complainant will have identified suggested witnesses and may present evidence. The Title IX Coordinator will add to the list of interviewees as the investigation progresses. It is the obligation of students called as witnesses to cooperate fully and truthfully with the investigation and subsequent hearing. Furthermore, the respondent, complainant and witnesses will be informed of the following during the interview and asked to sign a statement that includes the following:

- Any act of retaliation against the complainant, respondent, or witnesses is a violation of ASE/Franklin & Marshall College policy and Title IX.
- All parties should hold information about the investigation, interviews and subsequent hearing in confidence.

- Any violation of confidentiality is a violation of Title IX and will be cause for sanctions by ASE/Franklin & Marshall College. Any incidents of retaliation should be reported to the Title IX Coordinator.
- The statements given to the investigators will be shared with the complainant and respondent and the Franklin & Marshall College Title IX Coordinator.

### **Conclusion of the Investigation and Referral of the Complaint to an Administrative Review or Dismissal of the Complaint**

Within five business days of the conclusion of an investigation, the ASE Title IX Coordinator will compose a written report summarizing the information gathered and submit it to the Franklin & Marshall College Title IX Coordinator. The ASE Title IX Coordinator in consultation with the Franklin & Marshall College Title IX Coordinator will determine whether there has been a violation of the ASE student code of conduct by the preponderance of evidence standard. If the respondent is found responsible for a violation of the ASE student code of conduct the finding and recommended sanction will be referred to the Sr. Associate Dean of Franklin & Marshall College. The range of sanctions is consistent with Franklin & Marshall College's student code of conduct.

If the ASE Title IX Coordinator and the Franklin & Marshall College Title IX Coordinator find sufficient evidence to proceed to an Administrative Review, the respondent will have the opportunity to admit responsibility and waive an Administrative Review. In the event that a complaint is dismissed, the complainant or respondent may request that the ASE Title IX Coordinator allow the accommodations and limitations originally placed during the investigation phase to persist.

### **Appeals of Sexual Misconduct Panel Decisions**

The respondent or the complainant may appeal the decision in his or her case to the Associate Dean for International Programs at Franklin and Marshall College. The appeal will be conducted in an impartial manner by an impartial decision-maker. The student must normally file this appeal in writing, with the grounds noted, within five (5) business days after the ASE Title IX Coordinator issues a written notification of the decision. The ASE Title IX Coordinator has the discretion to extend the filing time of an appeal. Appeals may be sought on the following two grounds:

- On a claim of error in the hearing procedure that affected the outcome of the Administrative Review.
- On a claim of new evidence, information or material that was not available at the time of the Administrative Review and is relevant to the case.

Before deciding whether or not to hear an appeal, the Franklin & Marshall College Associate Dean for International Programs or designee confers with both the ASE and Franklin & Marshall College Title IX Coordinators to review the procedures that were followed and the evidence that was considered. If the Dean for International Programs refuses to hear an appeal, the student is informed in writing. The Dean of International Programs is not expected to provide detailed reasons for the decision reached. In hearing the student's appeal, the appeal Officer observes the following procedural safeguards:

- In hearing the student’s appeal, the appeal Officer has discretion to meet or contact with any of the participants (via email, phone, Skype or any relevant technology) including witnesses, and discuss with them the circumstances of the case, and to draw on other sources of relevant information.
- The decision on the appeal will normally be within 20 business days from the time that the student files, unless circumstances require a delay in the appeal process.
- The appeal officer will review the process used with the Title IX Coordinator to ensure that the process meets the standards of Title IX.
- The decisions of the appeal officer are final and the respondent and complainant will be notified in writing.
- Both the respondent and complainant will be notified in writing of any change in result of the finding.

### **Additional Information Regarding Policies and Procedures Outcome Notification**

Clery notifications, of sexual misconduct only, will be made by the ASE Title IX Coordinator to the Franklin & Marshall College Title IX Coordinator who will notify the Franklin and Marshall Department of Public Safety. (All other Clery notifications should be made by the ASE Director.)

### **Timeframe**

ASE will make every attempt to complete the investigation, hearing and decision in a timely manner. If extenuating circumstances will delay the proceedings, ASE will inform both the complainant and respondent of the circumstances. Either the complainant or respondent may request an exception to any of the time frames stated in these policies from the ASE Title IX Coordinator.

### **Advisors**

As noted above, the complainant and respondent are informed of the right to be assisted in the hearing by an advisor of their choice. Advisors do not need to be members of the ASE Community; however, advisors may be chosen from the ASE faculty or staff. The complainant and respondent must choose separate advisors. If the complainant and respondent have no preference for their advisors but choose to have an advisor, the ASE Title IX Coordinator may assign advisors. The complainant and respondent must notify the ASE Title IX Coordinator of their choice of advisor within 2 business days of filing or notification of the complaint. The relevant advisors may be present at the investigation interview with the respondent or complainant but may not speak in the interview.

### **Impact Statements**

Both students may prepare an impact statement describing the impact that the initial event and subsequent related events have had on their lives. The impact statement will be reviewed by the Title IX Coordinator only in the event of a finding of responsibility.

### **The Record of an Appeal**

The record of an appeal consists of the letter of appeal; the written statements from the parties and Dean/Officer and Chair; the written decision whether to hear the appeal and the outcome of the appeal. This record is appended to the written record of the original decision and

maintained with it.

### **Updates to Complainant and Respondent**

Both the complainant and respondent will be given periodic updates regarding the status of the investigation by their chosen adviser or, if none has been chosen, by the ASE Title IX Coordinator.

### **Follow-up**

The ASE Title IX Coordinator will follow up with all complainants and, respondents after completion of the investigation and/or Administrative Review to determine if there has been any retaliation or further incidents.

### **Designees**

It is understood that circumstances may require the substitution of administrators for alternate roles within this process.

### **Policy Amendment**

Concerns, questions and suggestions for amendments to this policy, from any member of the ASE Community, should be addressed to either Dr Lucy Marten on +44 (0) 1225 447134 or l.marten@asebath.org or to the Franklin & Marshall College Title IX Lancaster Coordinator, (+44) (717) 358- 7178.

## **Rights of the Respondent and Complainant in a Complaint of Sexual Misconduct (ASE)**

In all complaints, each party (both complainant and respondent) has the right:

- To an investigation and appropriate resolution of all complaints of sexual misconduct deemed credible by the Deputy Title IX Coordinator and the Title IX Coordinator (or designee) and made in good faith.
- To choose an advisor who will accompany the complainant or respondent to all interviews.
- To be informed of the outcome and sanction of any disciplinary review involving sexual misconduct within 48 hours of the resolution being reached.
- To assistance through ASE in gaining medical and emotional support.
- To an expeditious review of the complaint and timely Administrative Review as described in the ASE Sexual Misconduct Policies and Procedure;
- To identify witnesses who may be called for the investigation.
- To have irrelevant information about either party's sexual history or reputation excluded from the hearing.
- To testify, orally (via Skype or a similar technology) and/or in a written document before the Administrative Reviewer(s).
- To submit a written impact statement and to have that statement considered by the Administrative Reviewer(s).
- To review relevant documents regarding the complaint, subject to the confidentiality determinations of the Deputy Title IX Coordinator.
- To be informed of the names of all witnesses being called to give testimony.

- To confidential proceedings, to the extent possible and allowed by law and ASE Sexual Misconduct/Harassment Policy.
- To appeal the finding and sanction, in accordance with the procedures for appeal established by the ASE Sexual Misconduct/Harassment Policy.
- To be fully informed of ASE rules and procedures as well as the nature and extent of all alleged violations contained within the complaint.
- To have complaints reviewed by administrators who have received training in evaluation of cases of alleged sexual misconduct.
- That information regarding the complaint will be treated with respect for privacy.

## **Additional Rights of the Complainant (ASE)**

To be informed by ASE officials of options for notifying law enforcement authorities, including local police as well as the option to be assisted by ASE personnel in notifying such authorities. This right also includes the right not to report.

To request limitations be placed on the respondent regarding contact with the complainant while the complaint is being reviewed. These limitations may include, but are not limited to a limited contact order which may include a separation of the working, living, and/or academic arrangements of the complainant and the respondent; providing an escort to ensure that the complainant can move safely between classes and around Campus.

To request academic accommodations which may include: tutoring, extensions on academic assignments, arrangements to re-take or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.

A review of any disciplinary actions taken against the complainant to see if there is a causal relation between the harassment and the misconduct that may have resulted in the complainant being disciplined.

## **Additional Rights of the Respondent**

To waive the Administrative Review process by admitting responsibility. The respondent must submit in writing, to the Deputy Title IX Coordinator and the Title IX Coordinator, a decision to waive their right to an Administrative Review. In those cases, the Deputy Title IX Coordinator, may determine an appropriate sanction.

## **ASE Code of Conduct**

ASE is a no-drugs program. Any student found in possession of illegal substances will be subject to appropriate disciplinary action, up to and including termination from the program. Violation of behavioral standards, including but not limited to the examples listed below, will result in initiation of the Disciplinary Procedure outlined below.

- Physically violent behavior, including interactions with host country residents as well as students and faculty associated with the program.

- Theft, damage or vandalism to private or public property, including but not limited to ASE facilities, and sites visited as part of the program.
- Self-endangerment, including involvement in activities or behavior that could result in personal harm, including, but not limited to, frequenting dangerous places, association with criminals, intoxication.
- Possessing, selling, or taking illegal drugs. Penalties for illegal drug possession can be harsher than in the US, and may involve both jail time and large fines.
- Violation of host country law or of any other jurisdiction to which I travel.

ASE expects students to demonstrate responsible attitudes toward the use of alcohol. Program participants agree not to drink alcohol to excess. If the choice is made to drink, students agree to do so in moderation. If at any time the Program Director asks a student to refrain from consuming alcohol, the student agrees to abide by and respect that request.

NOTE: Students who choose to consume alcohol do so with the knowledge that they remain responsible for their actions at all times. Excessive and irresponsible drinking leading to intoxication and behavior that interferes with the program or the rights of others is subject to immediate disciplinary action.

In compliance with Title IX regulations in the United States, ASE takes sexual harassment and/or misconduct especially seriously. Respect for all members of the ASE Community is expected. ASE regards sexual misconduct, sexual harassment and discrimination as unacceptable.

### **Sexual misconduct**

An act of violence. It includes, but is not limited to, any non- consensual sexual contact, including any improper touching and/or penetration of intimate body parts; exposing oneself or engaging in other conduct of an improper sexual nature; and looking at or photographing another person who is naked or in a stage of undress without his or her knowledge and/or permission. A person who is incapacitated (which includes being under the influence of alcohol or other drugs), asleep, physically helpless, mentally disabled, or unconscious is considered unable to give consent.

### **Sexual harassment**

Gender-based verbal or physical conduct that has the purpose of unreasonably interfering with an individual's work or academic performance or that creates a humiliating, degrading, intimidating, hostile or offensive working/educational/living environment ASE strongly encourages students to report instances of discrimination, sexual harassment and sexual misconduct. If you need to make a complaint because you feel you have been a victim of sexual misconduct or received discriminatory or harassing treatment from a fellow student(s) or a member of the ASE staff on the grounds of race, sex, sexual orientation, disability, age, religion or belief, you should take your complaint to the Program Director. Your complaint will be investigated fairly and properly.

All ASE Staff are 'Title IX Mandated Reporters'. This means they must report any mention or allegation of sexual misconduct to the ASE Title IX Coordinator, Lucy Marten, who in turn reports to the Title IX Coordinator at Franklin & Marshall College.



Note that Franklin & Marshall College has a Sexual Assault Response Line available to all ASE students: 001 717 560 7311.

ASE students are expected to conduct themselves with integrity and honesty at all times. Making false statements, including but not limited to false statements in petitions, requests, disciplinary proceedings, or other matters of record in academic or non-academic transactions with ASE staff and tutors is regarded as a breach of this Code of Conduct.

All program participants are held to all conduct standards listed above when in Bath and when on program-sponsored field trips and residentials outside of Bath, including while at hotels / B&Bs. Program participants are expected to adhere to all hotel / B&B rules.

## Disciplinary Procedure

In the event of violations of ASE's rules and regulations, as outlined in the Code of Conduct, the disciplinary procedure is as follows:

- After the first offense, the offending student may be given a warning and asked to sign an agreement with ASE for improved behavior. If the agreement is observed, the home institution will not be informed and the record will be destroyed at the end of semester.
- If a further violation occurs, the home institution will be informed and the violation will be permanently noted on your ASE record.

In the case of continuing violations (or one single violation), the offending student may be terminated from the Program and sent home at the discretion of the Program Director in consultation with Program Leadership.

## Crime Definitions

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

**Manslaughter by Negligence** – The killing of another person through gross negligence.

**Sexual Offense** – An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system (see below). A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes all sex offenses except rape (as newly defined), prostitution, and commercialized vice.

**Rape** – Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (Including forcible sodomy and sexual assault with an object.) This includes any gender of victim or perpetrator and instances in which the victim or perpetrator and instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

**Fondling** – The touching of the 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** – The non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – The non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Dating Violence** – The term ‘dating violence’ means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** – The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Stalking** – The term ‘stalking’ means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

**Robbery** – The taking or attempt 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 for an injury to result when a gun, knife or other weapon is used in the commission of the crime.

**Simple Assault** – Assaults and attempted assaults where no weapon was used and which did not result in a serious or aggravated injury to the victim. (Currently, this crime category only applies to hate crimes.)

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

**Motor Vehicle Theft** – The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including 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.

**Liquor Law Violation** – 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 a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; or any attempts to commit any of the foregoing violations. **Note: this list does not include public drunkenness and driving under the influence.**

**Drug Law Violation** – Violations of State and local laws related to the possession, sale, use, growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana, synthetic narcotics (Demerol, methadone(s); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violation** – The violation of laws or ordinances regulating weapons.

**Hate Crimes** – A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

**Disciplinary Referrals** – Incidents in which a student was not arrested but was referred for Campus disciplinary action for liquor law violations, drug law violations and illegal weapons possession.

## Three Year College and University Security Information Act Uniform Crime Report (Bath, England Campus)

Franklin & Marshall College is pleased to comply with state laws (The College and University Security Information Act [PA Act 73, 1988]) requiring colleges to make security information and Campus crime statistics available to prospective and current students and employees.

### How crime rates are calculated

Crime rates per student and employee full-time equivalent (FTE) are computed as follows: the number of crimes in a category is divided by the student and employee FTE for that year. For example, in 2003, 90 thefts (larceny) occurred on Campus. The theft rate per student and employee FTE would be 90 thefts divided by the FY2003 FTE (2,414) or:  $90/2,414 = 0.037$  thefts per student and employee FTE.

### TYPE OF CRIME

<b>Part I Offenses</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Murder & Non-Negligent Manslaughter	0	0	0	0.000	0.000	0.000
Manslaughter by Negligence	0	0	0	0.000	0.000	0.000
Forcible Rape	0	0	1	0.000	0.000	0.000
Attempted Rape	0	0	0	0.000	0.000	0.000
Robbery	0	0	0	0.000	0.000	0.000
Aggravated Assault	0	0	0	0.000	0.000	0.000
Burglary	0	0	0	0.000	0.000	0.000
Larceny-Theft (Except Motor Vehicle)	0	0	0	0.000	0.000	0.000
Motor Vehicle Theft	0	0	0	0.000	0.000	0.000
Attempted Motor Vehicle Theft	0	0	0	0.000	0.000	0.000
Arson	0	0	0	0.000	0.000	0.000
<b>Total Part I</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>Part II Offenses</b>						
Drunkenness	0	0	0	0.000	0.000	0.000
Forgery and Counterfeiting	0	0	0	0.000	0.000	0.000
Fraud	0	0	0	0.000	0.000	0.000
Stolen Property (Receiving, Possessing,	0	0	0	0.000	0.000	0.000
Vandalism	0	0	0	0.000	0.000	0.000
Weapons (Carrying, Possessing)	0	0	0	0.000	0.000	0.000
Driving Under the Influence	0	0	0	0.000	0.000	0.000
Liquor Laws	0	0	0	0.000	0.000	0.000
Sex Offenses (Except in Rape & Prostitution)	0	0	0	0.000	0.000	0.000
Drug Abuse Violations	0	0	0	0.000	0.000	0.000
Disorderly Conduct	0	0	0	0.000	0.000	0.000
Defiant Trespass	0	0	0	0.000	0.000	0.000
All Other Offenses (Harassment/Noise)	0	0	0	0.000	0.000	0.000
<b>Total Part II</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.000</b>	<b>0.000</b>	<b>0.000</b>
<b>Total FTE</b>	<b>115</b>	<b>189</b>	<b>197</b>			
<b>Students</b>	<b>74</b>	<b>138</b>	<b>151</b>			
<b>Faculty</b>	<b>36</b>	<b>48</b>	<b>43</b>			
<b>Professional Staff</b>	<b>5</b>	<b>3</b>	<b>3</b>			

## Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report Bath, England Campus

Offense	Year	On Campus Property	*On Campus Student Housing	Non-Campus Property	Public Property	Unfounded Crimes
Murder / Non-Negligent Manslaughter	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	1	1	0	0	0
Fondling	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Incest	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Burglary	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

\*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. There is no Non-Campus housing at ASE.

## Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report

### Annual VAWA Offense Report, Bath, England Campus

Offense	Year	On Campus Property	*On Campus Student Housing Facilities	Non- Campus Property	Public Property	Unfounded Crimes
Domestic Violence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Dating Violence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Stalking	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

\*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities. There is no Non-Campus housing at ASE.

## Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistic Acts Report (ASE)

### Arrests and Disciplinary Referrals Report, Bath England

Offense	Year	On Campus Property	*On Campus Student Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
<b>Arrests:</b> Weapons – Carrying\ Possessing, etc.	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Weapons – Carrying\ Possessing, etc.	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Arrests:</b> Drug Abuse Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Drug Abuse Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Arrests:</b> Liquor Law Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Liquor Law Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

\*Statistics under On Campus Student Housing Facilities are also counted under the On Campus geographic category. The law requires institutions to break out the number of On Campus crimes that occur in student residential facilities.

There is no Non-Campus housing at ASE.

## **Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report**

### **Hate Crimes Report Bath, England**

There are no hate crimes reported for 2021, 2022, and for 2023.

Hate crime statistics are not collected or reported for Liquor, Drug, or Weapons Law Violations nor for Dating Violence, Domestic Violence, or Stalking.

Crimes include: Murder/Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny, Simple Assault, Intimidation, and Vandalism.

Biases include: Race, Religion, Gender, Disability, Sexual Orientation, Ethnicity, National Origin, and Gender Identity.



## Fire Safety (ASE)

### Fire Precautions at Student Housing

To ensure safety at all times, it is essential that all students note the following while living in this residence.

- Read thoroughly the Fire Safety notice contained in the Blue Housing Information Folder.
- Be aware of the exit route from the building in the event of a fire or the alarms sounding.
- Know where the fire extinguishers and fire blanket (kitchen) are located in case of need.
- There must be NO smoking, nor NO naked flames/candles at any time in this property
- Take every measure possible to make sure a fire does not break out and ensure: - ALL doors are closed at night.
- Inform the ASE office if at any time you detect a fault has arisen in the smoke detectors or a fire extinguisher has been used. Always let ASE know if the fire alarm goes off and why.

ASE-owned properties Fire Risk Assessment is completed by C2 Safety

Property	Description of Fire Safety System
The Nelson House	The Nelson House is fully equipped with a fire alarm system which works on smoke and heat detectors throughout the building. Please read and take note of the following procedures to follow in the event of a fire. The Alarm Control Panel is located in the Ground Floor Front Hallway of the building. There are also fire extinguishers throughout.
Linley House	Linley House is fully equipped with a fire alarm system which works on smoke and heat detectors throughout the building, and fire resisting doors. Please read and take note of the following procedures to follow in the event of a fire. The Alarm Control Panel is located in the Downstairs Hallway of the building. There are also fire extinguishers throughout.
Nunes House	Nunes House 14 North Parade is fully equipped with a fire alarm system which works on smoke and heat detectors throughout the building, and fire resisting doors. Please read and take note of the following procedures to follow in the event of a fire. The Alarm Control Panel is located in the Ground Floor Front Hallway of the building. There are also fire extinguishers throughout.
29 Northampton	29 Northampton Street is fully equipped with a fire alarm system which works on smoke and heat detectors throughout the building, and fire resisting doors. Please read and take note of the following procedures to follow in the event of a fire. The Alarm Control Panel is located in the Ground Floor Front Hallway of the building. There are also fire extinguishers throughout.
The Ralph House	The Ralph (2 North Parade Passage) is fully equipped with a fire alarm system which works on smoke and heat detectors throughout the building. Please read and take note of the posted procedures to follow in the event of a fire. The Alarm Control Panel is located in the closet of the front entry hall in of the building (ground floor). There are also fire extinguishers throughout.
10 and 11 St John's Road	10 & 11 St John's Road are equipped with a fire detection system which works on smoke and heat detectors throughout the building, and fire resisting doors. There is also emergency lighting along the escape route. There is a fire extinguisher and fire blanket in the kitchen.
7 St Georges Place, Bath BA1 3AA -temporary accommodation - leased to house students for Autumn 2023 term	7 St Georges Place is equipped with a Fully HMO-compliant Fire Alarm System: Heat and smoke sensors throughout - including bedrooms - all interlinked with sounders throughout house; emergency call point by front door; emergency lights along egress route For local HMO standards, please see: <a href="https://beta.bathnes.gov.uk/sites/default/files/B%26NES_HMO_licensing_standards_v4.pdf">beta.bathnes.gov.uk/sites/default/files/B%26NES_HMO_licensing_standards_v4.pdf</a>

There were no fires in student housing in 2021.

There were no fires in student housing in 2022.

There were no fires in student housing in 2023.

<b>Property</b>	<b>Electrical Fixed wire certificate (Every 5 yrs)</b>	<b>PAT test-annually</b>	<b>CORGI Service annually</b>	<b>Fire Extinguisher Services annually</b>	<b>Fire Alarm Service bi-annually</b>	<b>Emergency Lighting Service bi-annually</b>	<b>Fire Alarm and Emergency Lighting/ Fire Ext</b>	<b>Evacuation Drill (3 times each year)</b>
<b>Nelson House</b> 12 Aug 21 FRA	Completed and Recorded 18 May 2023	Completed and Recorded 12 Jan 23	N/A (No Gas)	Completed and Recorded 5 Jan 23	Completed and Recorded 4 Jan 23 & 21 Aug 23	Completed and Recorded 4 Jan 23 & 21 Aug 23	Completed and Recorded	Completed and Recorded Sp23, Su23, Au23
<b>Linley House</b> 12 Aug 21 FRA	Done & recorded 16 Jan 2023	Done & recorded 20 Dec 22	Done & recorded 10 Aug 23	Done & recorded 5 Jan 23	Done & recorded 4 Jan 23 & 21 Aug 23	Done & recorded 4 Jan 23 & 21 Aug 23	Completed and Recorded	Completed and Recorded Sp23, Su23, Au23
<b>Nunes House</b> 12 Aug 21 FRA Oculus	Completed and Recorded 12 May 2023	Completed and Recorded 20 Dec 22	N/A (No Gas)	Completed and Recorded 5 Jan 23	Completed and Recorded 4 Jan 23 & 21 Aug 23	Completed and Recorded 4 Jan 23 & 21 Aug 23	Completed and Recorded	Completed and Recorded Sp23, Su23, Au23
<b>29 Northampton</b> 14.11.13 FRA	Completed by Landlord and Recorded 11 July 2023	Completed and Recorded 20 Dec 22	Completed by Landlord and Recorded 18 Aug 23	Completed and Recorded replaced with 10 new August 2023	Completed by Landlord and Recorded 20 Jan 2023 & 27 July 2023	Completed by Landlord and Recorded 20 Jan 2023 & 27 July 2023	Completed and Recorded	Completed and Recorded Sp23, Su23, Au23
<b>The Ralph</b> 25 Au 22 FRA	Completed and Recorded 12 Feb 20	Completed and Recorded 20 Dec 22	Completed and Recorded 10 Aug 23	Completed and Recorded 5 Jan 23	Done & recorded 4 Jan 23 & 21 Aug 23	Completed and Recorded 4 Jan 23 & 21 Aug 23	Completed and Recorded	Completed and Recorded Sp23, Su23, Au23
10 St John's Road 29.10.15 FRA	Completed by Landlord and Recorded 11 July 2023	Completed and Recorded 20 Dec 22	Completed by Landlord and Recorded 18 Aug 23	N/A Fire blanket only	Completed by Landlord and Recorded 19 Jan 2023 & 27 July 2023	Completed by Landlord and Recorded 19 Jan 2023 & 27 July 2023	Completed and Recorded	Completed Sp23, Su23, Au23
11 St John's Road 29.10.15 FRA	Completed by Landlord and Recorded 6 July 2023	Completed and Recorded 20 Dec 22	Completed by Landlord and Recorded 18 Aug 23	N/A Fire blanket only	Completed by Landlord and Recorded 19 Jan 2023 & 27 July 2023	Completed by Landlord and Recorded 19 Jan 2023 & 27 July 2023	Completed and Recorded	Completed Sp23, Su23, Au23
7 St George's leased to house students for Autumn 2023 term	Completed & Recorded 8 Aug 2023	All new in 2023	Completed & recorded 6 Oct 2022	N/A Fire blanket only	Installed new in 2023	Installed new in 2023	Installed new in 2023	Completed Au23

FRA: Date of latest Fire Risk Assessment (all ASE-owned properties done through C2 Safety)

# Millport Conservancy



## Prologue

*Franklin & Marshall College is pleased to comply with state (The College and University Security Information Act [PA Act 73, 1988]) and federal (the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended) laws requiring that colleges make security information and Campus crime statistics available to all prospective and current students and employees. This report summarizes crime prevention policies and refers the reader to the sources of the complete policies.*

## Annual Disclosure of Crime Statistics

Each year the Department of Public 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 is located on the web at <https://www.fandm.edu/health-wellness-and-safety/public-safety/public-safety-compliance/index.html>

This report is prepared in cooperation with the local law enforcement agencies surrounding the Millport Conservancy Campus, the Millport Conservancy Administration, and others. All Millport Conservancy employees are Campus Security Authorities (CSAs). Campus crime, arrest, and referral statistics are reported to the Franklin & Marshall College Department of Public Safety, Lancaster Campus.

Each year, enrolled students and staff are notified via email how to access the Annual Safety and Fire report on the website. Copies of the report may also be obtained at the Department of Public Safety in Marshall-Buchanan Hall on the Franklin and Marshall College Campus in Lancaster, PA.

### Description of the Millport Conservancy

Millport Conservancy is a nonprofit organization that was created in 1988 by Robert and Carolyn Wohlsen, who purchased the Millport Roller Mills, along with auxiliary structures and surrounding farmland, in 1969. The 19<sup>th</sup> Century grain mill remains the centerpiece of what is now an 85-acre refuge for native wildlife and plant species. In 2008, Franklin & Marshall College became a partner with the Conservancy. There is no housing at Millport Conservancy.

Through this partnership, the Millport Conservancy oversees a variety of activities to:

- Maintain the existing building as well as the land and waters that serve as a sanctuary for its native flora and fauna
- Host environmental and other related research, and provide programming for educational and nonprofit organizations to promote environmental awareness
- Secure grants and contributions to support the Conservancy's programs
- Implement programs for soil erosion control, wetlands restoration and stream management
- Encourage the propagation of wildlife and waterfowl in the area by planting, installing, studying, and maintaining appropriate nesting areas
- Support catch and release fly-fishing on the beautifully restored Lititz Run, one of the area's finest trout streams

## How to Report a Crime, Suspicious Activity, or Emergency

Millport Conservancy does not have a Campus Police Department. The emergency number to call is 9-1-1. This will contact Lancaster County Wide Communications who will dispatch the appropriate emergency personnel. All crimes should be reported to the local Police Department, which is Northern Lancaster County Regional Police Department located at 860 Durlach Road

Stevens, PA 17578. Non-emergency phone number (717) 733-0965. This includes crimes when the victim of a crime elects to, or is unable to, make such a report.

A common theme of all security awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

Crime prevention programs for this Campus are located at Franklin & Marshall College's Lancaster Campus.

Federal and state drug and alcohol laws apply at this Campus are enforced by Northern Lancaster County Regional Police Department.

## **Campus Security Authorities**

The Clery Act requires the College to collect and disclose crime data from the local police and Campus Security Authorities (CSA). The intent of including non-law enforcement personnel as Campus Security Authorities (CSA) is to acknowledge that many individuals and students in particular, are hesitant about reporting crimes to the police, but may be more inclined to report incidents to other Campus-affiliated individuals.

The function of a Campus Security Authority (CSA) is to report to the Millport Executive Director those allegations of Clery Act crimes that are made in good faith. A Campus Security Authority (CSA) is not responsible for determining whether a crime took place—that is the function of law enforcement personnel.

Once a report is received, it will be forwarded to the Franklin & Marshall College Department of Public Safety, Lancaster. A representative of the Department of Public Safety will be available to assist in determining what information should be reported. Reports filed in this manner are counted in the crime statistics for the College, but the identity of the victim is kept confidential.

## **Emergency Preparedness**

Franklin & Marshall College's Emergency Preparedness home page is at [go.fandm.edu/prepare](http://go.fandm.edu/prepare). We have designed these pages to inform the College Community about emergency preparedness – what to do in advance of a major emergency. We strongly encourage you to become familiar with the information contained in this website.

The site contains basic information and guidelines and each page highlights pertinent information in the event of an emergency that could affect students and the operations at Franklin & Marshall College and Millport Conservancy.

## **Procedures for Evacuations**

### **Building Evacuations**

Natural disasters, such as earthquakes, floods, and catastrophes, such as chemical spills, biological threats, aircraft accidents, or explosions, are potential hazards that can affect any Campus.

We must be prepared for all of these, as well as human-made crises, which can come in the form of bomb threats, terrorism or violence on Campus. Each of the following evacuation plans are meant to provide a safe and efficient method to evacuate part of or the entire Campus in the event of a disaster on or near Campus or to shelter in place.

### **General Population Evacuation**

- To be prepared for an emergency, at all times you should:
- Recognize the sound of the evacuation fire alarm.
- Know several ways out of the building.
- Know the predetermined meeting location for your group.

When you hear the evacuation alarm or are verbally instructed by an appropriate authority to begin evacuating the building:

- Make sure that all individuals in your area hear the alarm and evacuate the area by quickly checking nearby restrooms, copier rooms, storage rooms, etc. as you exit.
- Use the nearest stairway. Do not use the elevator.
- Accompany and assist persons with disabilities.
- Shut all doors behind you as you go. Closed doors can slow the spread of fire, smoke and water.
- Evacuate as quickly as possible but in an orderly manner. Do not push or shove.
- Once outside, move to your predetermined assembly area or follow the instructions of emergency personnel on the scene. Stay away from building entrances to avoid interfering with emergency personnel or equipment.

### **Evacuation of Persons with Disabilities**

The following information provides basic guidelines for assisting persons with physical disabilities during an emergency evacuation.

The goal is to ensure that people with special needs and/or disabilities that cannot be removed to the outside of a building during an emergency are provided a safe haven until assistance can be provided. Areas of refuge are areas where persons unable to use stairways can remain temporarily to await instructions or assistance during emergency evacuation. Areas of refuge are marked by signage and decals on the floors of the buildings that contain them.

Employees and students who require special assistance, be it temporary or permanent, are encouraged to become familiar with their own facilities' evacuation plans and identify the primary and secondary evacuation route from each building that they use.



Once placed in an “area of refuge”, Public Safety, local Police, Fire, or EMS, on the scene must be notified. A detailed location of where the person was placed must be provided. (Building, floor, room number or area.) This will provide rescue personnel the ability to evacuate the person in a timely manner.

### **Ground Floor**

Persons with physical disabilities should go to the nearest “area of refuge” on their floor.

### **Above or Below Ground Floor**

#### **Visually Impaired**

Tell the person with the visual impairment the nature of the emergency and offer to guide the person to the nearest exit. Have the person take your elbow and escort him/her out of the building. As you walk, advise the person of any obstacles. When you reach your assembly area, orient the person to where he/she is and ask if any further assistance is necessary.

#### **Hearing Impaired**

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

#### **Mobility Impaired**

Since elevators should not be used for evacuation during an emergency, persons with mobility impairments need assistance evacuating. Individuals who can walk may be able to evacuate themselves. Walk with the person to provide assistance if necessary. Evacuating individuals who are not able to walk is much more complicated. If there is no immediate danger, take the individual to the nearest “area of refuge” on their floor. Whenever possible, someone should remain with the person while another individual exits the building and notifies emergency personnel of the mobility impaired person’s exact “area of refuge” location.

Only in situations of extreme and immediate danger should you try to evacuate a wheelchair user yourself. The person with the disability is the best authority on how he/she should be moved. Ask before you move someone. While it is best to let professional emergency personnel conduct the evacuation, a person with a mobility impairment can be carried by two people who have interlocked their arms to form a ‘chair’ or by carrying the person in a sturdy office chair.

### **Fire Evacuation Procedure**

Upon activation of the fire alarm, persons shall immediately proceed to the nearest exit and evacuate the building reporting to their designated assembly area for accountability. Persons unable to evacuate on their own may proceed to the “area of refuge” located throughout Campus buildings to await assistance. Evacuating persons should ask persons needing assistance if they

can help them to the nearest “area of refuge”. You should assist them as requested and notify first responders on scene or you can call 9-1-1 and notify Lancaster County Wide Communications. This will give authorities the opportunity to go to the “area of refuge” and remove the person or persons from the building to a safety.

Franklin & Marshall College’s Emergency Alert is an instant, mass notification system powered by RAVE Mobile Safety. The Franklin & Marshall College Emergency Alert System is our effort to better disseminate emergency information via email and text, and is aimed at increasing safety on Campus. To register:

- Go to the RAVE sign up page and press Register Now.
- Add the email address or cell phone where you would like to receive notifications.
- If you signed up for text messages, you will be sent to a web page where you must enter the validation code that you receive via text message.
- If you signed up for email alerts, you will be emailed a link to activate the email address.
- You only have to register one time. If you have already signed up for email alerts, simply sign in to your account and click ‘Add under Mobile Contacts.’

## **Timely Warning Notification - Campus Alert**

Franklin & Marshall College’s Department of Public Safety Campus Police has a written agreement with Northern Lancaster County Regional Police Department (NLCRPD) that states NLCRPD will inform Franklin & Marshall College’s Department of Public Safety Campus Police in a timely manner of any Clery crimes or emergency situations that occur at Millport Conservancy. This will allow the College to make a determination if a Timely Warning is appropriate to be disseminated.

In the event a crime is reported or a situation arises at Millport Conservancy that, in the judgment of the Franklin & Marshall Department of Public Safety and in consultation with responsible authorities when time permits, constitutes a serious or continuing threat, a Campus wide Timely Warning Notice will be issued. Franklin & Marshall College has chosen to send Timely Warning Notifications under the heading “Campus Alert”.

Franklin & Marshall College takes its duty seriously to inform students and the Campus Community of threatening situations – and how they can best protect themselves from harm. As a result, information related to crime and other potentially threatening situations is provided in an accurate and timely fashion. The College will release information in a timely manner which can be used by students and other College Community members to reduce their chances of becoming victims. Confidential information, such as the name or other identifying information of the victim(s) and other necessary parties, will be withheld from the warnings. These notices will be issued as a “Campus Alert”.

A “Campus Alert” is specifically related to compliance with the federal Clery Act, which requires colleges and universities to notify students and employees whenever a Clery Act crime is reported that poses a serious or continuing threat to the Franklin & Marshall College Community —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 when crimes are reported to officials 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 immediately adjacent and accessible to the Campus or serious acts of threats to Campus-owned or personal property.

Campus Alerts are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- Murder and Non-negligent Manslaughter - The willful (non-negligent) killing of one human being by another
- Manslaughter by Negligence - The killing of another person through gross negligence (if that negligence is believed to be an ongoing threat to the larger Franklin & Marshall College Community)
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by- case basis to determine if the individual is believed to be an ongoing threat to the larger Franklin & Marshall College Community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Campus Alert, but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by Department of Public Safety in conjunction with the Title IX Coordinator). In cases involving sexual assault, they are often reported long after the incident occurred, thus there may be no ability to distribute a “Timely” Warning Notice to the Community. All cases of sexual assault, including stranger and non- stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- Major incidents of Arson
- A string of burglaries or Motor Vehicle Thefts that occur in reasonably close proximity to one another
- Other Clery crimes as determined necessary by appropriate decision makers
- Murder/Non-Negligent Manslaughter
- Manslaughter by Negligence
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by- case basis to determine if the individual is believed to be an ongoing threat to the larger Franklin & Marshall College Community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Campus Alert, but will be assessed on a case-by-case basis)
- Major incidents of Arson
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information

known by Department of Public Safety in conjunction with the Title IX Coordinator and Northern Lancaster County Regional Police Department). In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “Timely” Warning Notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.

- Theft of a motor vehicle
- Other Clery crimes as determined necessary by appropriate decision makers.

The Clery Act does not define what ‘timely’ is or what information should be included. However, the warning should be issued as soon as the pertinent information is available because the purpose of a Campus Alert is to alert the Campus Community of continuing threats especially concerning safety, thereby enabling Community members to protect themselves. The issuance of a Campus Alert 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. Generally, the Alert 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. Confidential information, such as the name or other identifying information of the victim(s) and other necessary parties will be withheld from the warnings.

Franklin & Marshall College Department of Public Safety will generally make the determination, in consultation with other College offices, if a Campus Alert is required. In emergency situations, the AVP of Public Safety may authorize a Timely Warning. Documentation of Timely Warnings is maintained by the Department of Public Safety. Campus Alerts are typically written and disseminated by the Associate Vice President of Public Safety or designee.

This information may be disseminated to Campus Community members via a variety of mechanisms or mediums. Franklin & Marshall College will use one or more of the following means depending on the nature of the incident: RAVE Alert System, electronic mail messages, text messaging to cell phones of those enrolled in the service, public announcements, public address system, postings and digital signage, Department of Public Safety website, or other methods deemed necessary that may be used in the information dissemination process. The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

## **Emergency Notification – Campus Alert**

An Emergency Notification/Campus Alert can be related to criminal activity that is not subject to the Campus Alert standard required by the Clery Act, and is not necessarily related to criminal activity. Examples of situations that may constitute the College’s decision to issue an Emergency Notification/Campus Alert include situations where serious injuries or major disruptions may have occurred and include but are not limited to: building collapse, train derailment, fire, weather-related events, power outages, water emergencies and serious acts or threats to Campus property.

Franklin & Marshall College uses the RAVE Alert System as its primary emergency notification system to notify students and employees immediately upon the confirmation 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.” Franklin & Marshall College may also use one or more of the following means: RAVE Alert System, electronic mail messages, text messaging to cell phones of those enrolled in the service, Department of Public Safety website, public announcements, fire alarms, public address system, postings and digital signage and other methods deemed necessary that may be used in the information dissemination process. If all of these means fail, and the College deems it appropriate, in person communication may be used to communicate an emergency.

To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through [www.getrave.com/login/fandm](http://www.getrave.com/login/fandm). If the College determines that notification of audiences other than RAVE subscribers is necessary and appropriate, Franklin & Marshall College’s procedure for disseminating emergency information to the larger Community may include making pertinent information available on the Franklin & Marshall College website, as well as use of its emergency information hotline 888-436-2412 and Public Safety Dispatch (717) 358-3939. In addition, the College will provide emergency information to area broadcast media as appropriate. In some instances, a segment of the Community may be notified may notify a segment of the Community if the emergency is limited to the affected segment.

Franklin & Marshall College will issue Emergency Notifications/Campus Alerts without delay, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, will compromise effort to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. The content of the message will vary depending on the situation and may contain only the information that is reasonably necessary to promote the safety of the Campus Community as dictated by the situation. Confidential information, such as the name or other identifying information of the victim(s) will be withheld from the notifications. At a minimum, the messages will describe the emergency, provide basic instructions to the Community and will direct them to where they can receive additional information. After the initial notification, follow-up information will be disseminated to the Community via the communications listed above.

The decision to initiate the notification system to disseminate an Emergency Notification/Campus Alert and the content of the notification is made in coordination and consultation by various offices including, but not limited to, Public Safety and Facilities and may include consultation with local responders or reliance on the National Weather Center. In an extreme emergency, the notification process will be implemented at the sole discretion of the College’s Vice President of Finance and Administration and the Associate Vice President of Public Safety. Emergency Notifications/Campus Alerts are typically written and distributed by the Associate Vice President for Public Safety or designee.

Franklin & Marshall College tests its emergency response and evacuation procedures on an annual basis and publicizes the emergency response and evacuation procedures in conjunction with at least one test per calendar year. Documentation related to testing of the Emergency Notification System is maintained by the Department of Public Safety.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on Campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution.

Documentation related to testing of the Emergency Notification System is maintained by the Department of Public Safety. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

If there is an immediate threat to the health or safety of students or employees occurring on Campus, the College will follow its emergency notification procedures. When the College follows its emergency notification procedures, it is not required to issue a Timely Warning based on the same circumstances; however, the College will provide adequate follow-up information to the Community as needed.

Members of the Franklin & Marshall Community are encouraged to report an incident or help with the identification of those responsible for criminal activities. You can contact the Department of Public Safety by calling extension 3939 from Campus or (717) 358-3939 from an Off-Campus location. You can also forward information to Public Safety anonymously using a web-based form. The form is available [here](#).

### **Emergency Telephones**

There are no emergency phones at the Conservancy. Callers are urged to call Lancaster County Wide Communications at 9-1-1 for any emergency. They will dispatch the appropriate emergency personnel. All crimes should be reported to the local Police Department, which is Northern Lancaster County Regional Police Department located at 860 Durlach Road Stevens, PA 17578. Non-emergency phone number (717) 733-0965.

### **Access to Facilities**

Millport Conservancy's trails are open from dusk until dawn. The Conservancy is open to the public. Facilities can be rented with arrangements with the Executive Director. After hours, all buildings are locked. There are no residential facilities on this Campus.

### **Maintenance of Buildings and Grounds**

Franklin & Marshall College manages the Wi-Fi system and the HVAC system at the Conservancy. The Executive Director ensures all buildings are secure. The Wohlsen family has formed a partnership with Franklin & Marshall College in order to take advantage of the College's considerable experience, scientific knowledge, and management resources. Franklin & Marshall College will be able to preserve and care for this wonderful site for many generations, while maintaining the Conservancy in its natural state and upholding its important role in the Community.

## Weapons, Explosives, and Hazardous Materials Policy

For the purpose of this policy, the following definition shall apply:

Weapons include, but are not limited to: handguns, rifles, shotguns, and other firearms of all types, air guns, pellet guns, paint guns, and BB guns; axes, swords, and knives of any kind other than eating utensils; bows and arrows, cross bows, and any archery equipment, fireworks or ammunition of any kind; any martial arts or security equipment of a dangerous nature, including Chinese stars, nun chucks, brass knuckles, spiked gloves electronic stun devices, Taser guns, weapons constructed from “3D” printers and any other items which, in their intended use, are capable of inflicting serious injury.

Weapons are inconsistent with the educational purposes of the Conservancy and have no place at Millport Conservancy. Consequently, Franklin & Marshall College strictly prohibits the possession, use, or introduction of weapons at Millport Conservancy. It is a violation of College policy for any student, faculty member, employee or visitor to possess any weapon or to introduce any weapon into the Millport Conservancy without the express prior written permission of the Associate Vice President of Public Safety.

Firecrackers are a violation of Millport Conservancy regulations. Persons involved in possessing, supplying, or exploding firecrackers or setting fires are subject to being trespassed from the Conservancy. Additionally, chemicals and flammable liquids and gasses (including paint, varnish, etc.) shall neither be stored nor used in the buildings. For the purpose of this policy, the following definition shall apply:

### Prohibited/Dangerous Substances

It shall be a violation of the Conservancy’s policy for any student, faculty member, employee, or visitor to possess any ‘Prohibited/Dangerous Substance’ or introduce any such item into the College Community.

For the purpose of this policy, the following definitions shall apply:

#### **Prohibited/Dangerous Substances**

Prohibited/Dangerous Substances include but are not limited to: explosives of any type; compounds (moldable putty or powder), liquid solvents, gasses, components of any type; caps, wiring, timers, remote devices, or other explosives. Devices; as defined for this policy, as being any mechanism, which could be detonated to cause an explosion resulting in death, injury or property damage.

#### **Possession**

Physical possession on the person or placing or keeping a weapon at any location on the Conservancy, including an individual’s living quarters or workplace, in any vehicle, or in an individual’s container (including, but not limited to, backpacks, briefcases, purses, wallets, bags, and luggage).

**Introduce**

To bring onto Conservancy property or to assist anyone in bringing onto Conservancy property.

Students found in possession of any of the aforementioned items at Millport Conservancy will be found in violation of the student conduct code and will be disciplined up to expulsion by the College.

**Sex Offender Registration**

In accordance with the “Campus Sex Crimes Prevention Act” of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974; the Franklin & Marshall College Department of Public Safety provides a link to the Pennsylvania State Police Sex Offender Registry. This act requires that institutions of higher education advise a Campus Community on the whereabouts of information regarding registered sex offenders. Persons who are registered sex offenders must also disclose this information to the institution of higher education where they are employed, carry a vocation, or are a student.

Information can be obtained by calling the State Police Megan’s Law unit at (866)-771-3170. This information, as well as who has to register, and the sexually violent predator list, is also available online at [www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us). In addition, similar information for the Lancaster area (including Franklin & Marshall College) can be obtained by contacting Northern Lancaster County Regional Police Department at (717) 733-0965.



## Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistic Acts Report

### Arrests and Disciplinary Referrals Report, Millport Conservancy

Offense	Year	On Campus Property	*On Campus Student Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
<b>Arrests:</b> Weapons – Carrying\ Possessing, etc.	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Weapons – Carrying\ Possessing, etc.	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Arrests:</b> Drug Abuse Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Drug Abuse Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Arrests:</b> Liquor Law Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
<b>Disciplinary Referrals:</b> Liquor Law Violations	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

There is no housing at Millport Conservancy.

**Three Year Jeanne Clery Disclosure of the Campus Security Policy  
and Campus Crime Statistics Act Report  
Millport Conservancy Campus**

Offense	Year	On Campus Property	*On Campus Student Housing	Non-Campus Property	Public Property	Unfounded Crimes
Murder / Non-Negligent Manslaughter	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Manslaughter by Negligence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Fondling	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Incest	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Robbery	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Aggravated Assault	2021	0	0	0	0	0
	2023	0	0	0	0	0
	2023	0	0	0	0	0
Burglary	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Motor Vehicle Theft	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Arson	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

There is no housing at Millport Conservancy.

## Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report

### Annual VAWA Offense Report, Millport Conservancy Campus

Offense	Year	On Campus Property	*On Campus Student Housing Facilities	Non-Campus Property	Public Property	Unfounded Crimes
Domestic Violence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Dating Violence	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0
Stalking	2021	0	0	0	0	0
	2022	0	0	0	0	0
	2023	0	0	0	0	0

There is no housing at Millport Conservancy.

# Three Year Jeanne Clery Disclosure of the Campus Security Policy and Campus Crime Statistics Act Report

## Hate Crime Report Millport Conservancy Campus

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There are no hate crimes reported for 2021, 2022, and for 2023.

Hate crime statistics are not collected or reported for Liquor, Drug, or Weapons Law Violations nor for Dating Violence, Domestic Violence, or Stalking.

Crimes include: Murder/Non-negligent Manslaughter, Manslaughter by negligence, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny, Simple Assault, Intimidation, and Vandalism.

Biases include: Race, Religion, Gender Disability, Sexual Orientation, Ethnicity, National Origin, and Gender Identity.

## Appendix A

### Pennsylvania Definitions Regarding Consent: 18 Pa. Stat. and Cons. Stat. Ann. § 3111

#### § 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.

### Pennsylvania Definitions Regarding Sexual Assault: 18 Pa. Stat. and Cons. Stat.

#### Ann. §§ 3121–3131

#### § 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.

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<sup>1</sup> The Pennsylvania Statutes do not contain a specific definition of “consent” in relation to the Articles defining sexual assault, stalking, dating violence, or domestic violence. Instead, the statute provides a definition of consent under the Preliminary Provisions Chapter on Culpability.

- (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 2002, Dec. 9, P.L. 1350, No. 162, § 2, effective in 60 days.

**(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.

### **§ 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.

### § 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 2002, Dec. 9, P.L. 1350, No. 162, § 2, effective in 60 days.
- (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.

### § 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.

### § 3124.2. Institutional sexual assault

**(a) General rule.** --Except as provided under subsection (a.1) and in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who is an employee or agent of the Department of Corrections

or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth, or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident.

**(a.1) Institutional sexual assault of a minor.**--A person who is an employee or agent of the Department of Corrections or a county correctional authority, youth development center, youth forestry camp, State or county juvenile detention facility, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with an inmate, detainee, patient or resident who is under 18 years of age.

**(a.2) Schools. --**

(1) Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a school or any other person who has direct contact with a student at a school commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a student of the school.

(2) As used in this subsection, the following terms shall have the meanings given to them in this paragraph:

(i) "Direct contact." Care, supervision, guidance or control.

(ii) "Employee."

(A) Includes:

(I) A teacher, a supervisor, a supervising principal, a principal, an assistant principal, a vice principal, a director of vocational education, a dental hygienist, a visiting teacher, a home and school visitor, a school counselor, a child nutrition program specialist, a school librarian, a school secretary the selection of whom is on the basis of merit as determined by eligibility lists, a school nurse, a substitute teacher, a janitor, a cafeteria worker, a bus driver, a teacher aide and any other employee who has direct contact with school students.

(II) An independent contractor who has a contract with a school for the purpose of performing a service for the school, a coach, an athletic trainer, a coach hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association or an athletic trainer hired as an independent contractor by the Pennsylvania Interscholastic Athletic Association.

(B) The term does not include:

(I) A student employed at the school.



(II) An independent contractor or any employee of an independent contractor who has no direct contact with school students.

(iii) "School." A public or private school, intermediate unit or area vocational-technical school.

(iv) "Volunteer." The term does not include a school student.

**(a.3) Child care.** --Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a person who is a volunteer or an employee of a center for children commits a felony of the third degree when he engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child who is receiving services at the center.

**(b) Definitions.** --As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Agent." A person who is assigned to work in a State or county correctional or juvenile detention facility, a youth development center, youth forestry camp, other licensed residential facility serving children and youth or mental health or mental retardation facility or institution, who is employed by any State or county agency or any person employed by an entity providing contract services to the agency.

"Center for children." Includes a child day-care center, group and family day-care home, boarding home for children, a center providing early intervention and drug and alcohol services for children or other facility which provides child-care services which are subject to approval, licensure, registration or certification by the Department of Public Welfare<sup>1</sup> or a county social services agency or which are provided pursuant to a contract with the department or a county social services agency. The term does not include a youth development center, youth forestry camp, State or county juvenile detention facility and other licensed residential facility serving children and youth.

### **§ 3124.3. Sexual assault by sports official, volunteer or employee of nonprofit association**

**(a) Sports official.**--Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse), 3124.1 (relating to sexual assault) and 3125 (relating to aggravated indecent assault), a person who serves as a sports official in a sports program of a nonprofit association or a for-profit association commits a felony of the third degree when that person engages in sexual intercourse, deviate sexual intercourse or indecent contact with a child under 18 years of age who is participating in a sports program of the nonprofit association or for-profit association.

**(b) Volunteer or employee of nonprofit association.** --Except as provided in sections 3121, 3122.1, 3123, 3124.1 and 3125, a volunteer or an employee of a nonprofit association having direct contact with a child under 18 years of age who participates in a program or activity of the nonprofit association commits a felony of the third degree if the volunteer or employee engages in sexual intercourse, deviate sexual intercourse or indecent contact with that child.

**(c) Definitions.** --As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Direct contact.” Care, supervision, guidance or control.

“Nonprofit association.” As defined in 42 Pa.C.S. § 8332.1 (relating to manager, coach, umpire or referee and nonprofit association negligence standard).

“Sports official.” A person who supervises children participating in a sports program of a nonprofit association or a for-profit association, including, but not limited to, a coach, assistant coach, athletic trainer, team attendant, game manager, instructor or a person at a sports program who enforces the rules of a sporting event sponsored by a sports program of a nonprofit association or a for-profit association, including, but not limited to, an umpire or referee, whether receiving remuneration or holding the position as a volunteer.

“Sports program.” As defined in 42 Pa.C.S. § 8332.1.

### **§ 3125. Aggravated indecent assault**

**(a) Offenses defined.** --Except as provided in sections 3121 (relating to rape), 3122.1 (relating to statutory sexual assault), 3123 (relating to involuntary deviate sexual intercourse) and 3124.1 (relating to sexual assault), a person who engages in penetration, however slight, of the genitals or anus of a complainant with a part of the person's body for any purpose other than good faith medical, hygienic or law enforcement procedures commits aggravated indecent assault if:

- (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 penetration 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 him or her 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) Aggravated indecent assault of a child.** --A person commits aggravated indecent assault of a child when the person violates subsection (a)(1), (2), (3), (4), (5) or (6) and the complainant is less than 13 years of age.

**(c) Grading and sentences.** --

- (1) An offense under subsection (a) is a felony of the second degree.
- (2) An offense under subsection (b) is a felony of the first degree.

### **§ 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.
  - (iv) The indecent assault is committed by touching the person's sexual or intimate parts with the complainant's sexual or intimate parts.

### **§ 3127. Indecent exposure**

**(a) Offense defined.** --A person commits indecent exposure if that person exposes his or her genitals in any public place or in any place where there are present other persons under circumstances in which he or she knows or should know that this conduct is likely to offend, affront or alarm.

**(b) Grading.** --If the person knows or should have known that any of the persons present are less than 16 years of age, indecent exposure under subsection (a) is a misdemeanor of the first degree. Otherwise, indecent exposure under subsection (a) is a misdemeanor of the second degree.

**§ 3129. Sexual intercourse with animal**

A person who engages in any form of sexual intercourse with an animal commits a misdemeanor of the second degree.

**§ 3130. Conduct relating to sex offenders**

**(a) Offense defined.** --A person commits a felony of the third degree if the person has reason to believe that a sex offender is not complying with or has not complied with the requirements of the sex offender's probation or parole, imposed by statute or court order, or with the registration requirements of 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders), and the person, with the intent to assist the sex offender in eluding a law enforcement agent or agency that is seeking to find the sex offender to question the sex offender about, or to arrest the sex offender for, noncompliance with the requirements of the sex offender's probation or parole or the requirements of 42 Pa.C.S. Ch. 97 Subch. H:

- (1) withholds information from or does not notify the law enforcement agent or agency about the sex offender's noncompliance with the requirements of parole, the requirements of 42 Pa.C.S. Ch. 97 Subch. H or, if known, the sex offender's whereabouts;
- (2) harbors or attempts to harbor or assist another person in harboring or attempting to harbor the sex offender;
- (3) conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sex offender; or
- (4) provides information to the law enforcement agent or agency regarding the sex offender which the person knows to be false.

**(b) Definition.** --As used in this section, the term "sex offender" means a person who is required to register with the Pennsylvania State Police pursuant to the provisions of 42 Pa.C.S. Ch. 97 Subch. H.

**§ 3131. Unlawful dissemination of intimate image**

**(a) Offense defined.**--Except as provided in sections 5903 (relating to obscene and other sexual materials and performances), 6312 (relating to sexual abuse of children) and 6321 (relating to transmission of sexually explicit images by minor), a person commits the offense of unlawful dissemination of intimate image if, with intent to harass, annoy or alarm a current or former sexual or intimate partner, the person disseminates a visual depiction of the current or former sexual or intimate partner in a state of nudity or engaged in sexual conduct.

**(b) Defense.** --It is a defense to a prosecution under this section that the actor disseminated the visual depiction with the consent of the person depicted.

**(c) Grading.** --An offense under subsection (a) shall be:

- (1) A misdemeanor of the first degree, when the person depicted is a minor.
- (2) A misdemeanor of the second degree, when the person depicted is not a minor.

**(d) Territorial applicability.** --A person may be convicted under the provisions of this section if the victim or the offender is located within this Commonwealth.

**(e) Nonapplicability.** --Nothing in this section shall be construed to apply to a law enforcement officer engaged in the performance of the law enforcement officer's official duties.

**(f) Concurrent jurisdiction to prosecute.** --In addition to the authority conferred upon the Attorney General by the act of October 15, 1980 (P.L. 950, No. 164),<sup>1</sup> known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and to institute criminal proceedings for any violation of this section or any series of violations involving more than one county of this Commonwealth or another state. No person charged with a violation of this section by the Attorney General shall have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if a challenge is made, the challenge shall be dismissed, and no relief shall be made available in the courts of this Commonwealth to the person making the challenge.

**(g) Definitions.** --As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Law enforcement officer.” Any officer of the United States, of the Commonwealth or political subdivision thereof, or of another state or subdivision thereof, who is empowered to conduct investigations of or to make arrests for offenses enumerated in this title or an equivalent crime in another jurisdiction, and any attorney authorized by law to prosecute or participate in the prosecution of such offense.

“Minor.” An individual under 18 years of age.

“Nudity.” As defined in section 5903(e).

“Sexual conduct.” As defined in section 5903(e).

“Visual depiction.” As defined in section 6321.

## **Pennsylvania Definitions Regarding Stalking: 18 Pa. Stat. and Cons. Stat. Ann. § 2709.1**

### **§ 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.

“Emotional distress.” A temporary or permanent state of mental anguish.

“Family or household member.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

## Pennsylvania Definitions Regarding Dating Violence: 42 Pa. Stat. and Cons. Stat. Ann. §§ 62A02-62A072

### § 62A02. Findings and purpose

The General Assembly finds and declares that:

- (1) Sexual violence is the most heinous crime against a person other than murder.
- (2) Sexual violence and intimidation can inflict humiliation, degradation and terror on the victim.
- (3) According to the Department of Justice, someone is sexually assaulted every two minutes in the United States.
- (4) Rape is recognized as one of the most underreported crimes, and studies indicate that only one in three rapes is reported to law enforcement.
- (5) Victims of sexual violence and intimidation desire safety and protection from future interactions with their offender, regardless of whether they seek criminal prosecution.
- (6) This chapter provides the victim with a civil remedy requiring the offender to stay away from the victim, as well as other appropriate relief.

### § 62A03. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**“Adult.”** An individual who is 18 years of age or older.

**“Certified copy.”** A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court, regardless of whether or not there is a raised seal on the copy of the order of the issuing court.

**“Confidential communications.”** As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

**“Coparticipant.”** As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

**“Court.”** The court or magisterial district judge having jurisdiction over the matter under and exercised as provided in this title or as otherwise provided or prescribed by law.

**“Family or household members.”** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

**“Hearing officer.”** A magisterial district judge, judge of the Philadelphia Municipal Court, bail commissioner appointed under section 1123 (relating to jurisdiction and venue), master appointed under section 1126 (relating to masters) or master for emergency relief.

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<sup>2</sup> The Pennsylvania Statutes do not contain a specific statute regarding dating violence. Instead, the following statutes are excerpted from the Judiciary and Judicial Procedure Title under the Chapter 62A: Protection of Victims of Sexual Violence or Intimidation

**“Intimidation.”** Conduct constituting a crime under either of the following provisions between persons who are not family or household members:

18 Pa.C.S. § 2709(a)(4), (5), (6) or (7) (relating to harassment) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

18 Pa.C.S. § 2709.1 (relating to stalking) where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.

**“Master for emergency relief.”** A member of the bar of the Commonwealth appointed under section 62A09(e) (relating to emergency relief by minor judiciary).

**“Minor.”** An individual who is not an adult.

**“Plaintiff.”** An individual who applies for a protection order, either for the benefit of that individual or on behalf of another individual.

**“Protection order” or “order.”** An order issued under this chapter designed to protect a victim of sexual violence or intimidation.

**“Rape Crisis Center.”** As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

**“Sexual assault counselor.”** As defined in section 5945.1 (relating to confidential communications with sexual assault counselors).

**“Sexual violence.”** Conduct constituting a crime under any of the following provisions between persons who are not family or household members:

18 Pa.C.S. Ch. 31 (relating to sexual offenses), except 18 Pa.C.S. §§ 3129 (relating to sexual intercourse with animal) and 3130 (relating to conduct relating to sex offenders).

18 Pa.C.S. § 4304 (relating to endangering welfare of children) if the offense involved sexual contact with the victim.

18 Pa.C.S. § 6301(a)(1)(ii) (relating to corruption of minors).

18 Pa.C.S. § 6312(b) (relating to sexual abuse of children).

18 Pa.C.S. § 6318 (relating to unlawful contact with minor).

18 Pa.C.S. § 6320 (relating to sexual exploitation of children).

**“Sheriff.”** The sheriff of a county or, in a city of the first class, the chief or head of the police department.

**“Victim.”** A person who is the victim of sexual violence or intimidation.

## § 62A07. Relief

**(a) Order or consent agreement.** --The court may issue an order or approve a consent agreement to protect the plaintiff or another individual, as appropriate, from the defendant.

**(b) General rule.** --An order or a consent agreement may include:

(1) Prohibiting the defendant from having any contact with the victim, including, but not limited to, restraining the defendant from entering the victim's residence, place of employment, business or school. This may include prohibiting indirect contact through third parties and also prohibiting direct or indirect contact with other designated persons.

(2) Granting any other appropriate relief sought by the plaintiff.

**(c) Duration and amendment of order or agreement.** --A protection order or an approved consent agreement shall be for a fixed period of time not to exceed 36 months. The court



may amend its order or agreement at any time upon subsequent petition filed by either party.

**(d) Extension of protection orders. --**

(1) An extension of an order may be granted:

(i) Where the court, after a duly filed petition, notice to the defendant and a hearing, in accordance with the procedures set forth in sections 62A05 (relating to commencement of proceedings) and 62A06 (relating to hearings), finds that the extension is necessary because the defendant engaged in one or more acts or finds some other circumstances that, in the discretion of the court, demonstrate a continued risk of harm to the victim.

(ii) When a contempt petition or charge has been filed with the court or, in a county of the first class, a hearing officer, but the hearing has not occurred before the expiration of the protection order, the order shall be extended, at a minimum, until the disposition of the contempt petition.

(2) Service of an extended order shall be made in accordance with section 62A05(d).

(3) There shall be no limitation on the number of extensions that may be granted.

**(e) Notice. --**Notice shall be given to the defendant stating that violations of the order will subject the defendant to arrest under section 62A12 (relating to arrest for violation of order) or contempt of court under section 62A14 (relating to contempt for violation of order).

**(f) Incarceration. --**When the defendant is or was incarcerated and will be released from custody in the next 90 days or has been released from custody within the past 90 days, a plaintiff does not need to show that the defendant engaged in one or more acts that indicate a continued risk of harm to the victim in order to obtain an extension or a subsequent protection order under this chapter.

**(g) Identifying information. --**Any order issued under this chapter shall, when furnished by either party, specify the Social Security number and date of birth of the defendant.

### **Pennsylvania Definitions Regarding Domestic Violence<sup>3</sup>**

#### **18 Pa. Stat. and Cons. Stat. Ann. § 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).

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<sup>3</sup> The Pennsylvania Statutes do not contain a specific statute regarding dating violence. Instead, the following statutes apply to instances of dating violence and are drawn from Title 18 on Crimes and Offenses and Title 23 on Domestic Relations.

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

**(c) Bail.** --

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

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

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

(1) An order restraining the abuser from further acts of abuse.

(2) An order directing the abuser to leave your household.

(3) An order preventing the abuser from entering your residence, school, business or place of employment.

(4) An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.

(5) An order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

### **23 Pa. Stat. and Cons. Stat. Ann. § 6102. Definitions<sup>4</sup>**

**(a) General rule.** --The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise: "**Abuse.**" The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

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<sup>4</sup> Title 23 of the Pennsylvania Statutes relates to Domestic Relations, Chapter 61 contained therein relates to Abuse of Family

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

**“Adult.”** An individual who is 18 years of age or older.

**“Certified copy.”** A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

**“Comparable court.”** A foreign court that:

(1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and

(2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

**“Confidential communications.”** All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.

**“Domestic violence counselor/advocate.”** An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

**“Domestic violence program.”** A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, Crisis hotline; safe homes or shelters; Community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

**“Family or household members.”** Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

**“Firearm.”** Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

**“Foreign protection order.”** A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States.

**“Hearing officer.”** A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

**“Master for emergency relief.”** A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

**“Minor.”** An individual who is not an adult.

**“Other weapon.”** Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

**“Safekeeping permit.”** A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

**“Secure visitation facility.”** A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

**“Sheriff.”** (1) Except as provided in paragraph (2), the sheriff of the county. (2) In a city of the first class, the chief or head of the police department.

**“Victim.”** A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

**“Weapon.”** Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

**(b) Other terms.** --Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offenses).

### **23 Pa. Stat. and Cons. Stat. Ann. § 6108. Relief**

**(a) General rule.** --The court may grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children. The order or agreement may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff if the residence or household is jointly owned or leased by the parties, is owned or leased by the entireties or is owned or leased solely by the plaintiff.

(3) If the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant or restoring possession to the plaintiff or, with the consent of the plaintiff, ordering the defendant to provide suitable alternate housing.

(4) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children. In determining whether to award temporary custody or establish temporary visitation rights pursuant to this paragraph, the court shall consider any risk posed by the defendant to the children as well as risk to the plaintiff. The following shall apply:

(i) A defendant shall not be granted custody, partial custody or unsupervised visitation where it is alleged in the petition, and the court finds after a hearing under this chapter, that the defendant:

(A) abused the minor children of the parties or poses a risk of abuse toward the minor children of the parties; or

(B) has been convicted of violating 18 Pa.C.S. § 2904 (relating to interference with custody of children) within two calendar years prior to the filing of the petition for protection order or that the defendant poses a risk of violating 18 Pa.C.S. § 2904.

(ii) Where the court finds after a hearing under this chapter that the defendant has inflicted abuse upon the plaintiff or a child, the court may require supervised custodial access by a third party. The third party must agree to be accountable to the court for supervision and execute an affidavit of accountability.

(iii) Where the court finds after a hearing under this chapter that the defendant has inflicted serious abuse upon the plaintiff or a child or poses a risk of abuse toward the plaintiff or a child, the court may:

(A) award supervised visitation in a secure visitation facility; or

(B) deny the defendant custodial access to a child.

(iv) If a plaintiff petitions for a temporary order under section 6107(b) (relating to hearings) and the defendant has partial, shared or full custody of the minor children of the parties by order of court or written agreement of the parties, the custody shall not be disturbed or changed unless the court finds that the defendant is likely to inflict abuse upon the children or to remove the children from the jurisdiction of the court prior to the hearing under section 6107(a). Where the defendant has forcibly or fraudulently removed any minor child from the care and custody of a plaintiff, the court shall order the return of the child to the plaintiff unless the child would be endangered by restoration to the plaintiff.

(v) Nothing in this paragraph shall bar either party from filing a petition for custody under Chapter 53 (relating to custody) or under the Pennsylvania Rules of Civil Procedure.

(vi) In order to prevent further abuse during periods of access to the plaintiff and child during the exercise of custodial rights, the court shall consider, and may impose on a custody award, conditions necessary to assure the safety of the plaintiff and minor children from abuse.

(5) After a hearing in accordance with section 6107(a), directing the defendant to pay financial support to those persons the defendant has a duty to support, requiring the defendant, under sections 4324 (relating to inclusion of medical support) and 4326 (relating to mandatory inclusion of child medical support), to provide health coverage for the minor child and spouse, directing the defendant to pay all of the unreimbursed medical expenses of a spouse or minor child of the defendant to the provider or to the plaintiff when he or she has paid for the medical treatment, and directing the defendant to make or continue to make rent or mortgage payments on the residence of the plaintiff to the extent that the defendant has a duty to support the plaintiff or other dependent household members. The support order shall be temporary, and any beneficiary of the order must file a complaint for support under the provisions of Chapters 43 (relating to support matters generally) and 45 (relating to reciprocal enforcement of support orders) within two weeks of the date of the issuance of the protection order. If a complaint for support is not filed, that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a complaint for support, the portion of the protection order requiring the defendant to pay support expires.

(6) Prohibiting the defendant from having any contact with the plaintiff or minor children, including, but not limited to, restraining the defendant from entering the place of employment or business or school of the plaintiff or minor children and from harassing the plaintiff or plaintiff's relatives or minor children.

(7) Ordering the defendant to temporarily relinquish to the sheriff the defendant's other weapons and ammunition which have been used or been threatened to be used in an incident of abuse against the plaintiff or the minor children and the defendant's firearms and prohibiting the defendant from acquiring or possessing any firearm for the duration of the order and requiring the defendant to relinquish to the sheriff any firearm license issued under section 6108.3 (relating to relinquishment to third party for safekeeping) or 18 Pa.C.S. § 6106 (relating to firearms not to be carried without a license) or 6109 (relating to licenses) the defendant may possess. A copy of the court's order shall be transmitted to the chief or head of the police force or police department of the municipality and to the sheriff of the county of which the defendant is a resident. When relinquishment is ordered, the following shall apply:

(i)(A) The court's order shall require the defendant to relinquish such firearms, other weapons, ammunition and any firearm license pursuant to the provisions of this chapter within 24 hours of service of a temporary order or the entry of a final order or the close of the

next business day as necessary by closure of the sheriffs' offices, except for cause shown at the hearing, in which case the court shall specify the time for relinquishment of any or all of the defendant's firearms.

(B) A defendant subject to a temporary order requiring the relinquishment of firearms, other weapons or ammunition shall, in lieu of relinquishing specific firearms, other weapons or ammunition which cannot reasonably be retrieved within the time for relinquishment in clause (A) due to their current location, provide the sheriff with an affidavit listing the firearms, other weapons or ammunition and their current location. If the defendant, within the time for relinquishment in clause (A), fails to provide the affidavit or fails to relinquish, pursuant to this chapter, any firearms, other weapons or ammunition ordered to be relinquished which are not specified in the affidavit, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement authorities. The defendant shall not possess any firearms, other weapons or ammunition specifically listed in the affidavit provided to the sheriff pursuant to this clause for the duration of the temporary order.

(C) As used in this subparagraph, the term "cause" shall be limited to facts relating to the inability of the defendant to retrieve a specific firearm within 24 hours due to the current location of the firearm.

(ii) The court's order shall contain a list of any firearm, other weapon or ammunition ordered relinquished. Upon the entry of a final order, the defendant shall inform the court in what manner the defendant is going to relinquish any firearm, other weapon or ammunition ordered relinquished. Relinquishment may occur pursuant to section 6108.2 (relating to relinquishment for consignment sale, lawful transfer or safekeeping) or 6108.3 or to the sheriff pursuant to this paragraph. Where the sheriff is designated, the sheriff shall secure custody of the defendant's firearms, other weapons or ammunition and any firearm license listed in the court's order for the duration of the order or until otherwise directed by court order. In securing custody of the defendant's relinquished firearms, the sheriff shall comply with 18 Pa.C.S. § 6105(f)(4) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms). In securing custody of the defendant's other weapons and ammunition, the sheriff shall provide the defendant with a signed and dated written receipt which shall include a detailed description of the other weapon or ammunition and its condition.

(iii) The sheriff shall provide the plaintiff with the name of the person to which any firearm, other weapon or ammunition was relinquished.

(iv) Unless the defendant has complied with subparagraph (i)(B) or section 6108.2 or 6108.3, if the defendant fails to relinquish any firearm, other weapon, ammunition or firearm license within 24 hours or upon the close of the next business day due to closure of sheriffs' offices or within the time ordered by the court upon cause being shown at the hearing, the sheriff shall, at a minimum, provide immediate notice to the court, the plaintiff and appropriate law enforcement agencies.

(v) Any portion of any order or any petition or other paper which includes a list of any firearm, other weapon or ammunition ordered relinquished shall be kept in the files of the court as a permanent record thereof and withheld from public inspection except:

- (A) upon an order of the court granted upon cause shown;
- (B) as necessary, by law enforcement and court personnel; or
- (C) after redaction of information listing any firearm, other weapon or ammunition.

(vi) As used in this paragraph, the term "defendant's firearms" shall, if the defendant is a licensed firearms dealer, only include firearms in the defendant's personal firearms collection pursuant to 27 CFR § 478.125a (relating to personal firearms collection).

(7.1) If the defendant is a licensed firearms dealer, ordering the defendant to follow such restrictions as the court may require concerning the conduct of his business, which may include ordering the defendant to relinquish any Federal or State license for the sale, manufacture or importation of firearms as well as firearms in the defendant's business inventory. In restricting the defendant pursuant to this paragraph, the court shall make a reasonable effort to preserve the financial assets of the defendant's business while fulfilling the goals of this chapter.

(8) Directing the defendant to pay the plaintiff for reasonable losses suffered as a result of the abuse, including medical, dental, relocation and moving expenses; counseling; loss of earnings or support; costs of repair or replacement of real or personal property damaged, destroyed or taken by the defendant or at the direction of the defendant; and other out-of-pocket losses for injuries sustained. In addition to out-of-pocket losses, the court may direct the defendant to pay reasonable attorney fees. An award under this chapter shall not constitute a bar to litigation for civil damages for injuries sustained from the acts of abuse giving rise to the award or a finding of contempt under this chapter.

(9) Directing the defendant to refrain from stalking or harassing the plaintiff and other designated persons as defined in 18 Pa.C.S. §§ 2709 (relating to harassment) and 2709.1 (relating to stalking).

(10) Granting any other appropriate relief sought by the plaintiff.

**(b) Identifying information.** --Any order issued under this section shall, where furnished by either party, specify the Social Security number and date of birth of the defendant.

**(c) Mutual orders of protection.** --Mutual orders of protection shall not be awarded unless both parties have filed timely written petitions, complied with service requirements under section 6106 (relating to commencement of proceedings) and are



eligible for protection under this chapter. The court shall make separate findings and, where issuing orders on behalf of both petitioners, enter separate orders.

**(d) Duration and amendment of order or agreement.** --A protection order or approved consent agreement shall be for a fixed period of time not to exceed three years. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

**(e) Extension of protection orders.** --

(1) An extension of a protection order may be granted:

(i) Where the court finds, after a duly filed petition, notice to the defendant and a hearing, in accordance with the procedures set forth in sections 6106 and 6107, that the defendant committed one or more acts of abuse subsequent to the entry of the final order or that the defendant engaged in a pattern or practice that indicates continued risk of harm to the plaintiff or minor child.

(ii) When a contempt petition or charge has been filed with the court or with a hearing officer in Philadelphia County, but the hearing has not occurred before the expiration of the protection order, the order shall be extended, at a minimum, until the disposition of the contempt petition and may be extended for another term beyond the disposition of the contempt petition.

(2) Service of an extended order shall be made in accordance with section 6109 (relating to service of orders).

(3) There shall be no limitation on the number of extensions that may be granted.

**(f) Support procedure.** --The domestic relations section shall enforce any support award in a protection order where the plaintiff files a complaint for support under subsection (a)(5).

**(g) Notice.** --Notice shall be given to the defendant, in orders issued under this section, stating that violations of an order will subject the defendant to arrest under section 6113 (relating to arrest for violation of order) or contempt of court under section 6114 (relating to contempt for violation of order or agreement). Resumption of co-residency on the part of the plaintiff and defendant shall not nullify the provisions of the court order.

**(h) Title to real property unaffected.** --No order or agreement under this chapter shall in any manner affect title to any real property.