

Pennsylvania Institute of Technology
Annual Security and Fire Safety Report
Rev: 09/26/17

The Jeanne Cleary Act and Compliance

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Violators can be "fined" up to \$27,500 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action.

The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the **Crime Awareness and Campus Security Act of 1990**, was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery.

Annual Report-Policy

Schools have to publish an annual report every year by October 1st that contains 3 years of campus crime statistics and certain security policy statements including sexual assault policies which assure basic victims' rights, the law enforcement authority of campus police and where students should go to report crimes. The report is to be made available automatically to all current students and employees while prospective students and employees are to be notified of its existence and afforded an opportunity to request a copy. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request. A copy of the statistics must also be provided to the U.S. Department of Education.

Crime Statistics-

Each school must disclose crime statistics for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement, and other school officials who have "significant responsibility for student and campus activities" such as student judicial affairs directors. Professional mental health and religious counselors are exempt from reporting obligations, but may refer patients to a confidential reporting system which the school has to indicate whether or not it has.

Crimes are reported in the following 7 major categories, with several sub-categories: 1.) Criminal Homicide broken down by a.) Murder and Nonnegligent Manslaughter and b.) Negligent manslaughter; 2.) Sex Offenses broken down by a.) Forcible Sex Offenses (includes rape) and b.) Nonforcible Sex Offenses; 3.) Robbery; 4.) Aggravated Assault; 5.) Burglary; 6.) Motor Vehicle Theft; and 7.) Arson.

Schools are also required to report the following three types of incidents if they result in either an arrest or disciplinary referral: 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession. If both an arrest and referral are made only the arrest is counted.

The statistics are also broken down geographically into "on campus," "residential facilities for students on campus," noncampus buildings, or "on public property" such as streets and sidewalks. Schools can use a map to denote these areas. The report must also indicate if any of the reported incidents, or any other crime involving bodily injury, was a "hate crime."

Access To Timely Information-

Schools are also required to provide "timely warnings" and a separate more extensive public crime log. It is these requirements which are most likely to affect the day to day lives of students. The timely warning requirement is somewhat subjective and is only triggered when the school considers a crime to pose an ongoing "threat to students and employees" while the log records all incidents reported to the campus police or security department.

Timely warnings cover a broader source of reports (campus police or security, other campus officials, and off-campus law enforcement) than the crime log but are limited to those crime categories required in the annual report. The crime log includes only incidents reported to the campus police or security department, but covers all crimes not just those required in the annual report, meaning crimes like theft are included in the log. State crime definitions may be used.

Schools that maintain a police or security department are required to disclose in the public crime log "any crime that occurred on campus...or within the patrol jurisdiction of the campus police or the campus security department and is reported to the campus police or security department." The log is required to include the "nature, date, time, and general location of each crime" as well as its disposition if known. Incidents are to be included within two business days but certain limited information may be withheld to protect victim confidentiality, ensure the integrity of ongoing investigations, or to keep a suspect from fleeing. Only the most limited information necessary may be withheld and even then it must be released "once the adverse effect...is no longer likely to occur."

The log must be publicly available during normal business hours. This means that in addition to students and employees the general public such as parents or members of the local press may access it. Logs remain open for 60 days and subsequently must be available within 2 business days of a request.

September 2017 Statistics:

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|------------------------------|------|
| Students of Record: | 309 |
| Students in Student Housing: | None |
| Nonstudent Employees: | 95 |

Office Responsible for Security on Campus: Director of Facilities

Security Personnel: N/A

Enforcement Authority of Security Personnel: N/A

Fire Report 2016:

The college is a commuter college and does not have student living facilities. More generally, there were no reported incidents of fire for either campus in the 2016 calendar year.

Reporting Criminal Incidents and Other Emergencies

It is important that all crimes occurring on campus or in/on college owned or leased off-campus buildings and property be immediately reported to the Director of Facilities to ensure that appropriate action is taken. For each incident reported, an investigation is conducted and a file is created. Crimes can be reported:

- In person, with the Director of Facilities at the Media campus,

OR

- By calling the Office of the Director of Facilities at 610-892-1519.

All students, faculty, staff and guests are encouraged to promptly report criminal incidents, accidents and other emergencies.

Policy on reporting criminal incidents to state and local police:

All criminal incidents except minor crimes are reported to local police. Crimes are logged via the P.I.T. Incident Report to the Director of Facilities. A copy of the report is sent to the Business Office and other departments as requested on the Incident Report.

Policy regarding access to institutional facilities and programs by students, employees, guest and others:

Typical college business hours are between the hours of 8 AM and 5 PM, Monday through Friday. Classes are also offered between 6 PM and 10 PM Monday through Thursday. Students are invited to use campus facilities during typical business hours and at other times periods as denoted by the college. Guests and other personnel are required to stop at the front desk to gain access to the

college. Staff of the college are granted access on an as-needed basis. The college reserves the right to restrict access to anyone.

Procedures and facilities for students and others to report criminal action or other emergencies and policies for the institutions response to such reports:

Student Emergency Procedures

In case of an emergency, students should contact the nearest faculty, staff member, or administrator immediately. If a student is unable to locate any College personnel, he/she should go to the nearest P.I.T. office phone and dial "0." This will connect the student to P.I.T.'s switchboard. Fire extinguishers and first aid kits are located throughout all campus buildings.

Emergency Response and Evacuation Procedures

The following is the procedure to facilitate notification and/or evacuation in an emergency:

In the case of a confirmed significant emergency that may pose an immediate threat to the safety of the faculty, staff or students of The Pennsylvania Institute of Technology, the College community will be notified via the Emergency Message System (EMS). Those signed up for the system can receive notifications via email, text messaging, and voice messages – often by multiple mediums at the same time. Members of the P.I.T. community can sign up for the EMS at the College's main website (www.pit.edu) or at the College's intranet site (my.pit.edu).

The emergency will be evaluated by responsible authorities to determine the type of response and notification needed and initiate the EMS except in cases where, in the judgment of those authorities, notification will pose a risk for members of the community or may hamper efforts to assist victims.

The emergency notification process involves the following actions:

- Receipt, evaluation and verification of the emergency.
- Determination of the members of the Campus community affected by the emergency.
- Activation of the EMS

The following people will routinely be involved in the procedure to facilitate notification and/or evacuation in case of an emergency:

- Select members of the College Executive Administration (President, Dean of Academic Affairs, Director of Facilities and Chief Information Officer).

The College will alert the community of any information necessary in case of an emergency via the Emergency Message System. The EMS will be tested on an annual basis, at a minimum, to insure the proper functioning of the system in case of an emergency. A full test of the EMS will be advertised to the P.I.T. community prior to the test. Emergency Evacuation plans and maps are posted in main entries and lobbies. Additional plans/maps are posted in classroom hallways. The evacuation plan provides a floor plan identifying the locations of all exits, fire alarm pull stations and fire extinguishers. The evacuation plans list instructions for response in case of fire and a recommended evacuation route or routes.

A statement of policy regarding:

a) the possession, use and sale of alcoholic beverages:

b) the possession, use and sale of illegal drugs:

c) the possession and use of weapons by security personnel and any other person:

Pennsylvania Institute of Technology Alcohol and Drug Policy

Section I: Persons subject to this Policy

All students, faculty and staff employees of Pennsylvania Institute of Technology ("P.I.T." or the "College") are covered by this policy.

Section II: Coverage of this Policy

This Policy is issued in conformance with federal law and covers five (5) mandatory topics: Standards of Conduct for Students, Faculty and Staff Employees; College Sanctions for Violating the Policy; Legal Sanctions for Illicit Drug and Alcohol Violations; Available Drug and Alcohol Counseling Programs; and a description of the Health Risks associated with the use of illicit drugs and alcohol.

Section III: Standards Of Conduct

P.I.T. prohibits the unlawful, possession, use or distribution of illicit drugs or alcohol by any of its students, faculty or staff employees on the College's Campus or its other locations or as part of any of the College's activities.

Section IV: College Sanctions for Violating this Policy

Any student or employee who violates this Policy or applicable law may be subject to disciplinary sanctions and/or referral for prosecution. Disciplinary sanctions for students range from a disciplinary warning to expulsion as determined by the College. The severity of the sanctions will depend, in part, on whether there have been repeated violations and on the seriousness of the misconduct. Employees found to be in violation of this Policy or applicable law will be subject to College disciplinary procedures which may impose sanctions up to and including termination from employment and/or referral for prosecution. The College also supports enforcement, by applicable law enforcement agencies, of all local, state and federal laws.

Section V: Legal Sanctions for Illicit Drug and Alcohol Violations

The following is a brief review of the legal sanctions under local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol:

A. Drugs

1. The Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. 780-101 et seq., sets up five schedules of controlled substances based on dangerousness and medical uses. It prohibits the manufacture, distribution, sale or acquisition by misrepresentation or forgery of controlled substances except in accordance with the Act as well as the knowing possession of controlled substances unlawfully acquired. Penalties for first-time violators of the Act range from thirty days imprisonment, \$500 fine, or both for possession or distribution of a small amount of marijuana or hashish, not for sale, to fifteen years or \$250,000 or both for the manufacture or delivery of a Schedule I or II narcotic. A person over eighteen years of age who is convicted for violating The Controlled Substance, Drug, Device and Cosmetic Act, shall be sentenced to a minimum of at least one year total confinement if the delivery or possession with intent to deliver of the controlled substance was to a minor. If the offense is committed within 1,000 feet of the real property

on which a college is located, the person shall be sentenced to an additional minimum sentence of at least two years total confinement.

2. The Pharmacy Act of 1961, 63 Pa. C.S.A. 390-8 makes it unlawful to procure or attempt to procure drugs by fraud, deceit, misrepresentation or subterfuge or by forgery or alteration of a prescription. The first offense is a misdemeanor, with a maximum penalty of one year's imprisonment, a \$5,000 fine, or both.
3. The Vehicle Code, 75 PA, C.S.A. 3101 et seq., which was amended effective July 1, 1977, prohibits driving under the influence of alcohol or a controlled substance, or both, if the driver thereby is rendered incapable of safe driving. A police officer is empowered to arrest without a warrant any person whom he or she has probable cause to believe has committed a violation, even though the officer may not have been present when the violation was committed. A person so arrested is deemed to have consented to a test of breath or blood for the purpose of determining alcoholic content, and if a violation is found it carries the penalties of a misdemeanor of the second degree, which includes imprisonment for a maximum of thirty days.
4. The Federal drug laws, The Controlled Substances Act, 21 U.S.C. 801 et seq., are similar to the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act, but contain, for the most part, more severe penalties. Schedules of controlled substance are established, and it is made unlawful knowingly or intentionally to manufacture, distribute, dispense, or possess with intent to distribute or dispense a controlled substance. If the quantity of controlled substance is large (e.g. 1,000 kg of a mixture or substance containing marijuana), the maximum penalties are life imprisonment, a \$4,000,000 fine, or both. Lesser quantities of controlled substance (e.g. 100 kg of a mixture or substance containing marijuana) result in maximum penalties of life imprisonment, a \$2,000,000 fine, or both. The distribution of small amounts of marijuana for no remuneration or simple possession of a controlled substance carries a maximum of one year's imprisonment, a \$5,000 fine, or both, with the penalties for the second

offense doubling. Probation without conviction is possible for first offenders. Distribution to persons under the age of twenty-one by persons eighteen or older carries double or triple penalties. Double penalties also apply to the distribution or manufacture of a controlled substance in or on or within 1,000 feet of the property of a school or college.

5. Students who have been convicted under state or federal law involving the possession or sale of a controlled substance, are ineligible for federal student aid for specific periods (ranging from one year to an indefinite period depending on the nature of the offense and whether the student is a repeat offender.)

B. Alcohol

The Pennsylvania Liquor Code, 47 Pa., C.S.A., 1-101 et seq., controls the possession and sale of alcoholic beverages within the Commonwealth. The Code as well as portions of the Pennsylvania Statutes pertaining to crimes and offenses involving minors, 18 Pa., C.S.A. 6307 et seq., provide the following:

- 1 . It is a summary offense for a person under the age of twenty-one to attempt to purchase, consume, possess or knowingly and intentionally transport any liquor or malt or brewed beverages. Penalty for a first offense is suspension of driving privileges for 90 days, a fine up to \$300 and imprisonment for up to 90 days; for a second offense, suspension of driving privileges for one year, a fine up to \$500, and imprisonment for up to one year; for subsequent offense, suspension of driving privileges for two years, a fine up to \$500 and imprisonment for up to one year. Multiple sentences involving suspension of driving privileges must be served consecutively.

2. It is a crime intentionally and knowingly to sell or intentionally and knowingly to furnish or to purchase with the intent to sell or furnish, any liquor or malt or brewed beverages to any minor (under the age of twenty-one). "Furnish" means to supply, give or provide to, or allow a minor to possess on premises or property owned or controlled by the person charged. Penalty for a

first violation is \$1,000; \$2,500 for each subsequent violation; imprisonment for up to one year for any violation.

3. It is a crime for any person under twenty-one years of age to possess an identification card falsely identifying that person as being twenty-one years of age or older, or to obtain or attempt to obtain liquor or malt or brewed beverages by using a false identification card. Penalties are stated in (2) above.

4. It is a crime intentionally, knowingly or recklessly to manufacture, make, alter, sell or attempt to sell an identification card falsely representing the identity, birth date, or age of another. Minimum fine is \$1,000 for first violation; \$2,500 for subsequent violations; imprisonment for up to one year for any violation.

5. It is a crime to misrepresent one's age knowingly and falsely to obtain liquor or malt or brewed beverages. Penalties are as stated in (1) above.

6. It is a crime knowingly, willfully and falsely to represent that another is of legal age to obtain liquor or malt or brewed beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

7. It is a crime to hire, request or induce any minor to purchase liquor or malt or beverages. Penalty is a minimum fine of \$300 and imprisonment for up to one year.

8. Sales without a license or purchases from an unlicensed source of liquor or malt or brewed beverages are prohibited.

9. It is unlawful to possess or transport liquor or alcohol within the Commonwealth unless it has been purchased from a State Store or in accordance with Liquor Control Board regulations. The College will cooperate with the appropriate law enforcement authorities for violations of any of the above-mentioned laws by an employee in the workplace or student.

10. The use in any advertisement of alcoholic beverages of any subject matter, language or slogan directed to minors to promote consumption of alcoholic beverages is prohibited.

11. No advertisement of alcoholic beverages shall be permitted, either directly or indirectly, in any booklet, program, book, yearbook, magazine, newspaper, periodical, brochure, circular, or other similar publication, published by, for, or on behalf of any educational institution.

Section VI: Health Risks Associated with the Use of illicit drugs and the abuse of alcohol

Alcohol. Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgement, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on college campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

Amphetamines. Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

Cannabis (Marijuana, Hashish). The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Frequent users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

Cocaine/Crack. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate,

respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

Hallucinogens. Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

Heroin. Heroin is an opiate drug that causes the body to have diminished pain reactions. Heroin is physically addictive. This and other opiate drugs are respiratory depressants; their use can be associated with coma and death.

Section VII: Description of drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to Students, Faculty and Staff Employees

Drug and Alcohol Treatment for Students. The College recommends that students carefully review their personal insurance for available drug and alcohol programs and follow any requirements in their insurance so as not to lose coverage. For those students who do not have counseling services available through their personal insurance, P.I.T. recommends calling the Delaware County Office of Behavioral Health at 610-713-2365 for a referral to an appropriate counseling organization.

Drug and Alcohol Treatment for Employees. The College recommends that faculty and staff carefully review their personal insurance for available drug and alcohol programs and follow any requirements in their insurance so as not to lose coverage.

The College also provides assistance to full-time faculty and full-time staff through an Employee Assistance Program (EAP). The EAP may be contacted at: 1-800-854-1446 (English); 1-877-858-2147 (Spanish); 1-800-999-3004 TTY/TDD.

For those full-time faculty and full-time staff employees who elected to participate in and pay for the College's Health Insurance Programs, alcohol and drug counseling is available subject to the particular requirements of the health care option originally selected. Regardless of which option was selected, the phone contact is the same: 1-800-688-1911. For all other faculty and staff who do not maintain their own personal insurance coverage or those not eligible for the above services, P.I.T. recommends calling the Delaware County Office of Behavioral Health at 610-713-2365 for a referral to an appropriate counseling organization.

Firearms

In accordance with the provisions of the law of the Commonwealth of Pennsylvania, possession of firearms on campus is prohibited. Upper Providence Township prohibits the use of firearms within its limits.

Other Weapons

P.I.T. also prohibits possession of explosive and/or pyrotechnic devices of any kind, edged weapons such as knives, and hazardous substances as defined by federal and state authorities.

Other Violations

The following activities are strictly forbidden by the College and will be dealt with accordingly.

- Assault or Battery upon another person or the threat thereof while on campus.
- Theft or willful destruction of College property or personal property.
- Indecent conduct on campus.
- Gambling on College property.
- Smoking in unauthorized locations.
- Misrepresentation of proper identification of oneself in the transaction of College business and dealings with College officials and representatives.

Policy Regarding Students with Criminal Records:

Students enrolling in medical programs are subject to criminal background checks upon entry into the program and again prior to entering the externship. Students with a criminal record may be denied admission to the program or be kept from entering their externship, if required. Students with pending charges may be allowed to continue in the program upon signing a memorandum stating that they understand that if convicted of a serious charge, they may not be able to enter the externship, or graduate.

Further relevant information regarding college security and enforcement procedures:

Principles Underlying College Policies

- P.I.T. acknowledges the myriad of backgrounds, lifestyles, and personal moral values of those who encompass the P.I.T. community, and respects the rights of individuals to hold values that differ from those expressed herein. However, in their College activities as students, they are expected to observe P.I.T.'s policies and standards.
- Through the policies stated in this Handbook, P.I.T. requires that student behavior contribute positively to student welfare and safety, enhance the quality of the campus environment, and respect the rights of others. Conduct which infringes upon or endangers the rights of others will not be tolerated.
- Students are expected to assume responsibility for their own conduct and to have concern for the behavior of others. Such responsibility includes efforts to encourage positive behavior and to prevent or correct conduct by others that is deemed detrimental.
- P.I.T. expects all students to practice high regard for the human dignity and diversity of others. The College seeks to prevent all types of discrimination on the basis of race, sex, religion, age, disability, and national origin. Additionally, attempts will be made to resolve any questions through constructive dialogue and clarification of values and attitudes. However, repeated disregard for the rights and dignity of others will result in disciplinary action including possible dismissal from the College.

- Moreover, P.I.T. has a legitimate concern for the personal behavior of students, faculty, or staff beyond the impact that the behavior has on the rights of others. When an individual's pattern of behavior is self-destructive, interferes with the achievements of one's educational objectives, or adversely affects the quality of life on campus, P.I.T. may intervene in an attempt to correct or prevent such behavior.
- The College values and safeguards the personal privacy of its members and, therefore, recognizes the provisions of the Buckley Amendment, as outlined in the College catalog, regarding the privacy of student records.

Non-Discrimination Policy: It is the policy of Pennsylvania Institute of Technology not to discriminate on the basis of sex, disability, race, age, color, religion, national origin, veteran status, or sexual orientation or any other characteristic protected by applicable law in its educational programs, admissions policies, employment practices, financial aid, or other school-administered programs. This policy is consistent with various state and federal laws including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1967, and the Americans with Disabilities Act of 1990. For any claims of sex discrimination, sexual harassment or sexual assault, please contact the College's Title IX Coordinator, Kamira Evans. Ms. Evans' contact information is: Kamira Evans, Pennsylvania Institute of Technology, 800 Manchester Avenue, Media, PA 19063. Voice: 610-892-1504; email - kevens@pit.edu. For any other claims under this policy or to request information about services and resources (including reasonable accommodations) for disabled students, please contact the Director of Student Services, Kamira Evans, Pennsylvania Institute of Technology, 800 Manchester Avenue, Media, PA 19063. Voice 610 892-1504; email - kevens@pit.edu.

Non-discrimination and Anti-Harassment Policy

Prohibited Discrimination

Employees should conduct themselves and ensure that all those around them conduct themselves, in all matters, such that the environment is free from any conduct constituting

unlawful discrimination. It is the policy of Pennsylvania Institute of Technology not to discriminate on the basis of sex, disability, race, age, color, religion, national origin, veteran status, sexual orientation or any other characteristic protected by applicable law in its educational programs, admissions policies, employment practices, financial aid, or other school-administered programs. This policy is consistent with various state and federal laws including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990. As such, discrimination based on any characteristic protected by applicable law is expressly prohibited.

Prohibited Harassment

Pennsylvania Institute of Technology is committed to providing all members of the College community – students, faculty, staff and visitors – an environment free from conduct constituting unlawful harassment. All students, faculty, staff and visitors should conduct themselves properly and ensure that all those around them conduct themselves, in all matters, such that the College environment is free from conduct constituting unlawful harassment.

Accordingly, it is also the policy of the College that any form of harassment based on race, color, religion, sex, national origin, age, disability, veteran status, genetic information or any other characteristic protected by applicable law is expressly prohibited.

Prohibited harassment includes verbal, visual or physical conduct that belittles, mocks or shows hostility toward an individual because of a characteristic protected by law (such as race, color, religion, sex, national origin, age, disability, veteran status, genetic information or any other characteristic recognized by applicable law) or that of his or her relatives, friends, or associates, especially when that conduct:

- has the purpose or effect of creating an intimidating, hostile, or offensive work or educational environment,

or unreasonably interfering with an individual's work or academic performance; or

- otherwise adversely affects an individual's employment or educational opportunities.

Some examples of what may constitute prohibited harassment are:

- using epithets, slurs or negative stereotypes;
- threats, intimidation or hostile acts that relate to a protected characteristic;
- purported jokes or pranks;
- placing on walls, bulletin boards or elsewhere on the College campus, or circulating on the campus by any medium, oral, written, electronic, or graphic material that belittles, mocks or shows hostility toward a person or group because of protected characteristics.

Even one instance of such conduct, if severe enough, may constitute prohibited harassment.

Pennsylvania Institute of Technology Sexual Misconduct Policy and Sexual Misconduct Grievance Procedures

This Sexual Misconduct Policy (the "Policy") and the Sexual Misconduct Grievance Procedures (the "Grievance Procedures") supersede all other Pennsylvania Institute of Technology ("P.I.T." or "College") policies and grievance procedures to the extent they cover sex discrimination, sexual harassment or sexual violence. The Policy (contained in section I) and the Grievance Procedures (contained in Section II) are both effective September 1, 2011. The Policy and Grievance Procedures were designed to comply with the requirements of the recent Dear Colleague Letter issued by the United States Department of Education.

SECTION I – THE POLICY

1. Policy Statement.

P.I.T. is committed to providing a learning and working environment that promotes personal integrity, civility and mutual respect free of discrimination. As required by Title IX, sex discrimination includes discrimination on the basis of sex as well as sexual harassment and sexual

violence all of which are considered “sexual misconduct” under this Policy. Sexual misconduct violates an individual’s fundamental rights and personal dignity. P.I.T. considers sexual misconduct in all its forms to be a serious offense. This policy prohibits sexual misconduct, which includes sex discrimination including sexual harassment and sexual violence by employees, faculty, students, or third parties against employees, faculty, students, or third parties. P.I.T also does not discriminate and prohibits discrimination on the basis of race, color, religion, national origin, disability, age and any other status protected by applicable law. This policy is not limited to incidents that occur on the College campus or during College hours.

2. Definitions.

- A. **Sexual Misconduct:** Sexual Misconduct includes all forms of discrimination based on sex including sexual harassment and sexual violence.

- B. **Sexual Violence:** Sexual Violence means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or because of the victim’s disability. In general, any non-consensual physical contact of a sexual nature may constitute Sexual Violence. Sexual Violence may vary in its severity and consists of a range of behaviors or attempted behaviors including but not limited to rape, sexual assault, sexual battery, and sexual coercion. Prohibited Sexual Violence under this Policy includes but is not limited to:
 - 1) Non-Consensual Sexual Contact, which is:
 - a) any intentional sexual touching,
 - b) however slight,
 - c) with any object or body part,
 - d) by a man or a woman upon a man or a woman, and
 - e) without consent.

 - 2) Non-Consensual Sexual Intercourse, which is:
 - a) any sexual intercourse (anal, oral, or vaginal),
 - b) however slight,

- c) with any object or body part,
- d) by a man or woman upon a man or a woman, and
- e) without consent.

3) Sexual Exploitation, means when a person takes non-consensual or abusive sexual advantage of another person for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- a) prostituting a student;
- b) non-consensual video or audio-taping of sexual activity;
- c) going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- d) engaging in Voyeurism;
- e) knowingly transmitting an STD or HIV to another.

C. Sexual Harassment:

1) *Definition and Examples* – Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's ability to participate in or benefit from the College's programs/activities or a student's or an employee's work performance or creating an intimidating, hostile, or offensive learning or working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- a) Promising, directly or indirectly, a student or employee a reward, if the student or

- employee complies with a sexually oriented request.
- b) Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
 - c) Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request.
 - d) Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
 - e) Displaying pornographic or sexually oriented materials.
 - f) Engaging in indecent exposure.
 - g) Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.
 - h) Physical conduct such as assault, touching, or blocking normal movement.
 - i) Retaliation for making harassment reports or threatening to report harassment.

2) *Possible Harassers* - Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

3) *Nature of harassment* - Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

D. Consent:

Effective consent is the basis of the analysis applied to unwelcome sexual misconduct. Lack of consent is the critical factor in any incident of Sexual Harassment and Sexual Violence.

- 1) Consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter.
- 2) Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
- 3) It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
- 4) Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- 5) Previous relationships or consent does not imply consent to future sexual acts.
- 6) Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
- 7) Effective consent cannot be given by minors, mentally disabled individuals or persons incapacitated as a result of drugs or alcohol.
- 8) If you have sexual activity with someone you know to be--or should know to be--mentally or physically incapacitated (by alcohol or drug use, unconsciousness or blackout), you are in violation of this Policy.
- 9) Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.
- 10) This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the

taking of a so-called "date-rape" drug. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student, employee or faculty member for the purpose of inducing incapacity is a violation of this Policy. More information on these drugs can be found at <http://www.womenshealth.gov/publications/our-publications/fact-sheet/date-rape-drugs.cfm> .

3. Effect of alcohol/drug use.

Use of alcohol or drugs will never excuse behavior that violates this Policy.

4. Reporting Procedures for complaints of sexual misconduct or retaliation.

A. Title IX Coordinator:

- 1) P.I.T. has designated Kamira Evans, Director of Student Services, as the College's Title IX Coordinator for all matters related to sexual misconduct at the College, and to coordinate the efforts of the College to comply with Title IX law. Ms. Evans has been specifically trained to handle these matters.

- 2) The Title IX Coordinator's contact information is:
Kamira Evans, Title IX Coordinator
Pennsylvania Institute of Technology
800 Manchester Avenue, Media, PA 19063.
Voice: 610-892-1504; email - kevans@pit.edu.

Note: In the Title IX Coordinator's absence, you should report any sexual misconduct matter to the Director of Facilities

Fred Fivecoat

Pennsylvania Institute of Technology
800 Manchester Avenue, Media, PA 19063.
Voice: 610-892-1519; email - ffivecoat@pit.edu

- 3) As the Title IX Coordinator, Ms. Evans is responsible for:

- a) Ensuring that both the individual filing the complaint and the individual accused of sexual misconduct or retaliation are aware of the seriousness of the complaint.
- b) Explaining P.I.T.'s sexual misconduct policy and investigation procedures.
- c) Exploring various means of resolving the complaint.
- d) Making referrals to outside counseling services for counseling and referral services, if appropriate.
- e) Discuss with complainant the option of the complainant notifying the police if criminal activities are alleged.
- f) Conducting or arranging for an investigation of the alleged prohibited conduct.
- g) Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct.
- h) Identify and address any patterns or systemic problems that arise during the review of sexual misconduct complaints.

B. Reporting Procedure and Remedial Action:

The College strongly encourages those who have experienced sexual misconduct to report the offense to the Title IX Coordinator. P.I.T.'s complaint procedure provides for immediate, thorough, and objective investigation of all claims of sexual misconduct. If sexual misconduct has occurred, P.I.T. will take prompt appropriate remedial action that is commensurate with the severity of the offense. Each complaint will be assessed and resolved individually in accordance with the Grievance Procedures contained in Section II immediately follow this Policy. The Title IX Coordinator will also advise each Complainant that they may also file a complaint with the local

police.

C. Witness Reports:

Employees or faculty members who believe they have witnessed sexual misconduct or received a reliable report of sexual misconduct must promptly notify the General Counsel or the Dean of Student Affairs. This reporting is *mandatory* since it enables the College to fulfill its legal obligation where it knows or has reason to know of sexual misconduct to take immediate action to eliminate the misconduct, prevent its recurrence, and address its effects. If for any reason the employee is unable or unwilling to report the matter to either of the individuals listed above, he/she must report the matter to the President of the College. Students are encouraged to report witnessed sexual misconduct to the Title IX Coordinator.

D. Retaliation Prohibited:

P.I.T. strictly prohibits retaliation against any person for using this reporting and complaint procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of sexual misconduct. Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and follow-up of the complaint or report.

5. Suggested Procedures for Those Who have Experienced Sexual Misconduct.

- A. **Encourage prompt reporting.** P.I.T. strongly encourages those who have experienced any form of sexual misconduct to report the incident promptly, to seek all available assistance, and to pursue the College's Grievance Procedure and criminal prosecution (if a crime) of the offender.
- B. **Seek help.** Tell a trusted person about the incident or use one of the resources on the Resource List below.
- C. **Preserve evidence.** In the case of sexual violence, do everything possible to preserve evidence by making certain that the crime scene is not disturbed. (The

decision to press charges does not have to be made at this time. However, following these procedures will help preserve this option for the future.) Victims should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed but if they are, bring all the original clothing to the hospital in a paper bag. (Plastic bags damage evidence.)

- D. **Seek immediate medical attention when necessary.** When necessary seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after a medical examination.
- E. **Women Organized Against Rape (WOAR).** A WOAR advocate may be able to offer support at the hospital but victims might need to ask for the advocate. (People under the age of eighteen should be aware that, as a minor, their parent(s) may have the right to obtain information from their medical records.)
- F. **Reassignments:** When the victim and the accused participate in the same class(es) or work in the same area, victims may request reassigning and/or moving one of the persons. The Title IX Coordinator will consult with the Dean of Academic Affairs (if a classroom reassignment is involved) or the General Counsel (if a work reassignment is involved) in making a determination regarding an alternative classroom or work assignment(s) for the accused and/or the victim who has experienced sexual misconduct.
- G. **Contact College and Community Resources:** See below.

6. **College and Community Resource List.**

There are various resources available for those who have experienced sexual misconduct, including:

- A. **On-Campus Resource - P.I.T.'s Title IX Coordinator.** The College's Title IX Coordinator is the College's primary contact for any issue involving sexual misconduct. See the Title IX Coordinator's contact information and detailed description of responsibilities set forth earlier in this Policy.

B. Off-Campus Resources List:

Emergency:

9-1-1 (local law enforcement)

The Special Victims Unit - 215-685-3251

24-Hour Organizations:

Women Organized Against Rape (Philadelphia): 215-985-3333

Women Against Abuse (Philadelphia): 866-723-3014

Delaware County Women Against Rape: 610-566-4342

“Menergy” Men’s Resource Center: 215-242-2235

Domestic Abuse Project of Delaware County: 610-565-6272

Sexual Assault Medical Evaluation

Thomas Jefferson Hospital Emergency Room: 215-955-6840

Episcopal Hospital: 215-707-0800

Riddle Hospital Emergency Room: 484-227-3214

Crozer Chester Medical Center Emergency Room: 610-447-2188

Delaware County Memorial Hospital Emergency Room: 610-284-8400

Springfield Hospital: 610-328-8700

Mercy Fitzgerald Hospital Emergency Room: 610-237-4701

Taylor Hospital Emergency Room: 610-595-6480

Sexual Assault – Additional Assistance

Delaware County Women Against Rape (DCWAR) will provide accompaniment to the forensic medical examination, police interview and all court proceedings. The agency also provides counseling for sexual assault victims. All victim services are free and confidential. For more information, go to

<http://www.delcowar.org>.

7. Confidentiality.

- A. **Confidentiality Considerations.** All inquiries, complaints, and investigations are treated with discretion. Information is revealed as law and policy permit. However, the identity of the complainant is usually revealed to the person(s) accused of such conduct and any witnesses with consent of the complainant. Publicizing information about alleged sexual misconduct or retaliation is strictly

prohibited and may be considered a violation of College policy. While a Complainant cannot be assured of absolute confidentiality, the College will try to maintain the confidence of the investigation consistent with its duty to investigate and address the complaint.

- B. **Secure Files.** The Title IX Coordinator shall maintain all information in a secure file pertaining to a complaint or investigation.

- C. **Federal Reporting Requirements.** The College Registrar has a duty to report sexual misconduct that constitutes a crime for federal statistical reporting purposes. All personally identifiable information is kept private, but statistical information must be passed along to the Registrar regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given), for publication in the annual College Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. The Title IX Coordinator will report to the Registrar crimes as required by federal and state law.

- D. **Federal Timely Warning Requirements.** Victims of sexual misconduct should also be aware that College administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to the P.I.T. community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

8. Sexual Misconduct Educational Programming:

- A. **Educational Programming.** Because P.I.T. recognizes sexual misconduct as an important issue, the College offers educational programming to students and appropriate staff and faculty.

- B. **Possible Topics.** Sexual misconduct educational programming may address matters such as: what

constitutes sexual misconduct, how to respond to an incident of sexual misconduct, an explanation of the College's Sexual Misconduct Policy and the penalties for violating the Policy, how to file charges within the College's Grievance Procedures and/or with the local police department, and College and community resources to assist the victim and the accused.

9. Consensual Relationships Between Employees and/or Faculty Members.

P.I.T. does not wish to interfere with the private lives of their employees or faculty members, or their off-duty behavior. However, where such conduct impacts the working or learning environment in a negative manner or is between employees or faculty members in a supervisory or managerial, P.I.T. reserves the right to take whatever action is appropriate, at its discretion, to protect the interests of P.I.T. and its employees, faculty and students.

All employees and faculty members are responsible for maintaining a professional business environment at all times. An intimate personal relationship between individuals who have a direct or indirect supervisory or managerial relationship is highly inappropriate. If such a situation develops, the involved employee or faculty member in the supervisory or managerial role must communicate this fact to his/her manager immediately so that a reassignment can be considered for either party.

Any employee or faculty member in such a relationship who does not promptly disclose the information as required is subject to having their employment terminated immediately.

10. Consensual Relationships Between an Employee/Faculty Member and a Student.

Students are particularly vulnerable to the unequal institutional power inherent in a faculty-student relationship and in many employee-student relationships. Those relationships are highly subject to coercion so that the typical "consensual" nature of a relationship does not exist despite oftentimes outward appearances to the contrary. Therefore, no faculty member or employee

shall have a sexual or amorous relationship with any student while that student is enrolled at P.I.T.

SECTION II – THE GRIEVANCE PROCEDURES

1. **Time frame to file a complaint.** To use P.I.T.'s Grievance Procedures, an aggrieved employee, faculty member or student should meet with the Title IX Coordinator, as soon as possible after the alleged act of sexual misconduct or retaliation to discuss the complaint. Employees and faculty members who have experienced conduct they believe is contrary to this Policy have an obligation to make a prompt report or file a prompt complaint. In any case, there is no time limit for students to make a complaint. Nevertheless, students should understand that incidents should be reported as soon as possible when memories, information and evidence is fresh. The longer a student waits to file a complaint, the more difficult it might be for the College to obtain evidence and conduct a thorough, impartial and reliable investigation.
2. **Time frame to complete an investigation.** Once a complaint of sexual misconduct has been made, the Title IX Coordinator will meet with the Complainant as soon as reasonably possible to determine if any interim actions are immediately required, and then begin an investigation within five (5) calendar days of the initial complaint. The investigation shall be completed within twenty-eight (28) days after it begins, if reasonably possible. Within ten (10) calendar days of the completion of the investigation, the Title IX Coordinator shall issue a decision notifying the parties of the result of the investigation and penalty, if any. These time frames may vary depending on the complexity of the investigation and the severity and extent of the alleged sexual misconduct. For any investigation that cannot comply with these time frames, the Title IX Coordinator shall promptly inform both parties of any revised time frames and the reasons for any delay. In cases when the accused faces criminal charges or is the subject of a criminal investigation, the College may need to briefly delay temporarily the fact-finding portion of a sexual misconduct investigation while the police are gathering evidence. But once notified that the police department has completed its gathering of evidence (not the ultimate outcome of the investigation or the filing of any

charges) the College will promptly resume and complete its fact-finding of its investigation.

3. **Contents of Complaint.** To ensure a prompt and thorough investigation, the complainant should provide as much of the following information as possible:
 - A. The name, department, and position and any other identifying information of the person or persons allegedly causing the sexual misconduct or retaliation.
 - B. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
 - C. The alleged effect of the incident(s) on the student's ability to enjoy the programs and activities or the educational opportunities of the College or on the employee's or faculty member's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
 - D. The names of other students or employees or faculty members who might have been subject to the same or similar sexual misconduct or retaliation.
 - E. Any steps the complainant has taken to try to stop the sexual misconduct or retaliation (although no steps are required to have been taken to file a complaint).
 - F. Any other information the complainant believes to be relevant to the alleged sexual misconduct.
4. **Investigation.** An investigation into the complaint shall be conducted by or under the direction of the Title IX Coordinator. The investigation may include any of the following determined by the Title IX Coordinator in his/her discretion based on the nature of the complaint: interviews of the parties involved, interviews of any witnesses, the gathering of other relevant information and any other steps necessary to thoroughly investigate the allegations. Mediation will never be used for complaints of sexual harassment or sexual violence. The Title IX Coordinator shall issue an investigatory report to the College's General Counsel.

5. **Standard for Determining Responsibility and Remedies.** The standard used to determine accountability will be the *Preponderance of the Evidence Standard*, meaning whether it is more likely than not that the sexual misconduct occurred. All members of the College community found to have violated this Policy will be subject to the remedies set forth later in these Grievance Procedures.
6. **Investigation Resolution.** The Title IX Coordinator shall issue a decision within ten (10) days of completing the investigation.
7. **The Rights and Limitations of the Complainant and the Accused.**

Both parties will be treated equitably with similar rights and limitations subject to applicable law.

A. The Complainant's Rights and Limitations:

- 1) An explanation of the College Grievance Procedures,
- 2) Freedom from harassment by the accused (or the supporters),
- 3) Use of all available internal and external resources in dealing with the aftermath of the alleged offense,
- 4) Ability to testify on their own behalf during the investigation, including making a "survivor impact" statement,
- 5) No right to the presence of an advisor, lawyer, advocate, parent or any other person during the Grievance Procedures, except that if the accused is subject to a related criminal charge and the accused chooses to have an attorney present then the Complainant may have an attorney present on the same basis as the accused
- 6) The opportunity to present relevant witnesses who can speak about the charges, character witnesses excluded,

- 7) Freedom from having irrelevant sexual history discussed during the Grievance Procedure,
- 8) Information about the outcome of the investigation and appeal, if any, consistent with applicable law,
- 9) Opportunity to appeal the outcome of the investigation decision, and
- 10) No right to personally question or cross-examine the other party.

B. The Accused's Rights and Limitations:

- 1) An explanation of the charge(s),
- 2) Freedom from harassment by the complainant (or supporters),
- 3) An explanation of the College Grievance Procedure,
- 4) No right to the presence of an advisor, lawyer, advocate, parent or any other person during the Grievance Procedures, except that if the accused is subject to a related criminal charge the accused may have an attorney (but not a parent or relative who is an attorney) present while being questioned who may act as an advisor only but will not be allowed to ask any questions or otherwise to participate
- 5) Ability to testify on their own behalf during the investigation,
- 6) The opportunity to present relevant witnesses who can speak about the charges, character witnesses excluded,
- 7) Freedom from having irrelevant sexual history discussed during the Grievance Procedure,
- 8) Information about the outcome of the investigation and appeal, if any, consistent with applicable law,
- 9) Opportunity to appeal the outcome of the investigation decision, and

- 10) No right to personally question or cross-examine the other party.

8. Notice of Outcome.

Consistent with applicable law, at the conclusion of the investigation and the appeal, if any, the College will provide written notification to the complainant and the accused of the outcome and resolution.

9. Appeals.

- A. **Timeframes and Appeal Submission.** Once written notification of the resolution has been received from the Title IX Coordinator, the parties involved will have the opportunity to appeal the findings. Any appeal filed in a matter where a faculty member or staff employee was the accused, must be submitted in writing to the President of the College within five (5) calendar days of the date the party appealing received written notification of the resolution. Any appeal filed in a matter where a student was the accused, must be submitted in writing to the President of the College within five (5) calendar days of the date the party appealing received written notification of the resolution. Any appeal will be decided within fifteen (15) calendar days of the date the appeal was received.
- B. **Appeal Body Evaluation.** In deciding the appeal, the President shall consider the investigation report completed by the Title IX Coordinator plus whatever other evidence they deem appropriate in their discretion including re-interviewing the parties, re-interviewing the witnesses and examining other evidence.
- C. **Automatic Appeals.** If the Title IX Coordinator has determined that sexual misconduct was committed by a staff employee or faculty member, and the decision of the Title IX Coordinator was to terminate the employment of that staff employee or faculty member, there shall be an automatic appeal from that decision to the President. In such case, the Title IX Coordinator shall send his/her decision to the President at the same time the parties are notified.

10. **Remedies.**

- A. The College reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect a students' or employee's or faculty member's rights and personal safety including interim steps before the final outcome of the investigation or appeal, if any.
- 1) Such measures include, but are not limited to, modification of classroom assignments, prohibition of accused from having any contact with the complainant pending the conclusion of the College investigation, interim suspension from campus pending a hearing, and reporting to the local police.
 - 2) The College will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.
- B. Any member of the College community found responsible for violating the Sexual Misconduct Policy either for committing sexual misconduct or engaging in retaliation will be subject to disciplinary action, ranging from an oral warning up to and including termination of employment if they are an employee or faculty member or dismissal if they are a student, depending on the severity of the violation and any other relevant circumstances. The College will take immediate action to eliminate any sexual misconduct it finds, prevent its recurrence, and address its effects. Sanctions will not be lessened because the offense was committed with an acquaintance or while on a date.
- C. The College also reserves the right to suspend any member of the College community accused of sexual misconduct pending the outcome of an investigation and appeal, if any.
- D. The College shall take reasonable steps to prevent the recurrence of any form of sexual misconduct or retaliation. Additionally, the College will take all necessary steps to remedy the discriminatory effects on the victim(s) and others.

- E. The College will also consider, where appropriate, possible remedies contained in the lists contained in the *April 4, 2011 Dear Colleague Letter on Sexual Violence* and the *2001 Guidance*.

11. **Special Provisions.**

- A. **Conflict of Interest.** All investigations and appeals shall be impartial. Any real or perceived conflict of interest between the decision maker and the parties must be disclosed.
- B. **Attempted violations** -In most circumstances, the College will treat attempts to commit any act of sexual misconduct as if those attempts had been completed.
- C. **The College as Complainant** - As necessary, the College reserves the right to initiate a complaint, to serve as complainant, and to initiate Grievance Proceedings without a formal complaint by the victim of sexual misconduct. Whenever the College knows or has reason to know about possible sexual misconduct, the College will promptly investigate and take appropriate steps to resolve the situation. Even if criminal justice authorities do not prosecute P.I.T. community members, the College can pursue disciplinary action.
- D. **False Reports** - The College will not tolerate intentional false reporting of incidents. It is a violation of this Policy to make an intentionally false report of any Policy violation, and it may also violate state criminal statutes and civil defamation laws.
- E. **Immunity for Victims** - The College strongly encourages the reporting of incidents of sexual misconduct. Sometimes, victims are hesitant to report to College officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of the College community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of sexual violence (not

other forms of sexual misconduct) limited immunity from being charged with policy violations related to the sexual violence incident. While violations cannot be completely overlooked, the College will provide educational options rather than punishment, in such cases.

F. **Good Samaritan** -The welfare of students is of paramount importance. At times, students on and off-campus may need assistance. The College encourages students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual violence victim to the Title IX Coordinator or the Police). The College pursues a policy of limited immunity for students who offer help to others in need in cases of sexual violence (not other sexual misconduct matters). While policy violations cannot be overlooked, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need.

G. **Parental Notification** -The College reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and drug violations. The College may also notify parents/guardians of non-dependent students who are under age 21 of alcohol or drug policy violations. Where a student is not-dependent, the College will contact parents/guardians to inform them of situations in which there is a health and/or safety risk. The College also reserves the right to designate which College officials have a need to know about individual conduct complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

H. **Notification of Outcomes** - The outcome of a Grievance Procedure is part of the education record of the accused student, and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions such as:

- 1) Complainants in sexual harassment cases will have the right to learn about the sanction imposed upon a

student who was found to have engaged in sexual harassment when the sanction directly relates to the harassed student.

- 2) Students who bring any sort of sexual misconduct complaint against a faculty member or employee may be informed of the outcome and sanction.
- 3) The College may disclose to anyone – not just the alleged victim – the final results of a Grievance Procedure if it determines that the accused student is a perpetrator of a crime of violence or a non-forcible sex offense.

I. **Past Sexual History/Character** -The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such information is determined to be highly relevant by the Title IX Coordinator. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance by the Title IX Coordinator. While previous conduct violations by the accused student are not generally admissible as information about the present alleged violation, the Title IX Coordinator may consider such information but, only if:

- 1) The accused was previously found to be responsible;
- 2) The previous incident was substantially similar to the present allegation;
- 3) Information indicates a pattern of behavior and substantial conformity with that pattern by the accused student.

Information Concerning Registered Sex Offenders

Information concerning registered sex offenders may be obtained from the local law enforcement agencies at the following contact addresses:

Media Location:

Upper Providence Police Department

935 N Providence Rd
Media, Pennsylvania 19063
610-566-8445
Webpage: http://www.upperprovidence.org/dep_police.php

Philadelphia Location:

Philadelphia Police Department
6th District
District Headquarters
235 N 11th St.
215-686-3060
Email: police.co_06@phila.gov
Webpage: <http://www.phillypolice.com/>

Information is also available on the Internet via Pennsylvania's Megan's Law website. The purpose of the website is based on the fact that "Pennsylvania's General Assembly has determined public safety will be enhanced by making information about registered sexual offenders available to the public through the internet. Knowledge whether a person is a registered sexual offender could be a significant factor in protecting yourself, your family members, or persons in your care from recidivist acts by registered sexual offenders." The web address is:

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

Student Right-to-Know and Campus Security Act

The Student Right to Know Act requires an institution that participates in any student financial assistance program under Title IV of the Higher Education Act of 1965 (as amended) to disclose information about graduation rates to current and prospective students. In addition to the graduation rates, Pennsylvania Institute of Technology complies with the crime statistics reporting requirements of the Student Right to Know and Campus Security Act. The following information is reported through the College departments listed below:

- Campus Crime Statistics – Registrar
- Graduation Rates of Students – Registrar

ID Checks: College policy requires that persons on campus be enrolled as students, employed by the College, or have other legitimate business on the campus

General Information

800 MANCHESTER AVE
MEDIA, PA 19063
DELAWARE County

For more information about this institution, visit
www.pit.edu

Security Officer Information

Security Officer: Fred Fivecoat
Title: Director of Facilities
Phone: 610-892-1519

800 Manchester Ave.
MEDIA, PA 19063

[Campus Crime Data 2016 – Media Location](#)

[Campus Crime Data 2016 – Philadelphia Location](#)