



# ***ANNUAL SECURITY & FIRE SAFETY REPORT***



**2021**



**DELAWARE VALLEY**  
UNIVERSITY

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## INTRODUCTION

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act), Delaware Valley University publishes this Annual Security and Fire Safety Report (ASR). It contains statistics about applicable crimes and incidents that were reported to Public Safety, local law enforcement, and/or campus security authorities over the past three years. The statistics cover crimes and incidents that occurred either on campus, in off-campus buildings on property owned or controlled by the University, or on public property adjacent to campus. The report also contains a three-year history of fires that occurred in on-campus student housing facilities.

In addition to statistics, the report includes policies and practices pertaining to campus security, emergency response, crime and missing persons reporting, student conduct, and alcohol and drug use. It also contains information on victim support services, campus resources, emergency communications, crime prevention, access to campus facilities/properties and safety. The report provides options for reporting crimes.

## CAMPUS SAFETY – A SHARED RESPONSIBILITY

While the primary responsibility for the safety and security of the campus lies with the Department of Public Safety, each member of the campus community must accept responsibility for his or her own personal safety. The cooperation, involvement and perceived support of the campus community in an overall campus safety program are crucial to its success. The welfare of all who live, work or visit Delaware Valley University is of paramount importance.

## ABOUT THE UNIVERSITY

Delaware Valley University, located in picturesque Doylestown, PA., is an independent, interdisciplinary university featuring individualized attention, small class sizes and an applied as well as theoretical approach to learning.

Founded in 1896, DelVal has grown from an agricultural school to an academically rigorous institution dedicated to the sciences and liberal arts. In the words of our founder, Joseph Krauskopf, we take “science with practice” seriously. Today, we use our more than one thousand acres of beautifully maintained land as a functional learning environment, creating a real-life, open-air classroom for many of our disciplines.

DelVal offers more than 25 undergraduate majors in the life, physical and agricultural sciences, humanities and business; five master’s programs; and a variety of complementary adult education courses.

The total enrollment of Delaware Valley University is about 2,000 students: 1,750 undergraduates and 250 graduate students. Of those, approximately 1,000 students reside on campus in residence halls. The University does not operate permanent, off-campus housing.



Delaware Valley University is in Bucks County, Pennsylvania. Its campus straddles both Doylestown Township and New Britain Borough. Major transportation routes that lead to the University's campus are Routes 202 and 611; campus can be directly accessed via Almshouse Road, Butler Avenue, Lower State Road and New Britain Road.

The main campus is in the center of Bucks County Pennsylvania, and is located at latitude 40°17'54.9"N and longitude 75°09'31.1"W.

There are 78 buildings, including 11 residence halls and 4 private residences (occupied by the president and farm managers) on 580 acres. A SEPTA train line runs through campus, separating the academic portion of campus and south campus (primarily farms, barns, animal structures, and agricultural and athletic fields). The animals kept on campus in support of teaching and academic program include horses, cattle, pigs, sheep and a variety of small animals.

The University also operates two off-campus locations: The Gemmill Center, located at 734 Grenoble Road, Jamison, PA 18929, 40 14' 44.89" N, 75 03' 50.49 W; and the Roth Center for Sustainable Agriculture at 1260 Welsh Road, North Wales, PA 19454, 40 13' 16.78" N, 75 15' 00.57 W.

The Gemmill Center is in Warwick Township, Bucks County. It has 10 buildings (including three residences) and an in-ground swimming pool on 398 acres. The center supports campus meetings, events and academic program.

The Roth Center is in North Wales Township, Montgomery County. It has eight buildings (including three residences) on 124 acres. The Roth Center has cattle and poultry and supports the University's sustainable agriculture program.

The campus of Delaware Valley University is an open one and, as such, access to the grounds is generally not limited. There always exists the possibility of a criminal act occurring, despite the best efforts of the Department of Public Safety staff.

## ABOUT THE DEPARTMENT OF PUBLIC SAFETY

In the Fall of 2020, the University began a partnership with Allied Universal Security Services to provide our safety and security services on campus.

The Department of Public Safety is responsible for policy enforcement, security and emergency response on campus. Public Safety is located in the Welcome Center on Alumni Lane and is staffed 24 hours a day and 7 days a week.

Public Safety is staffed by a Director/Account Manager who is responsible for scheduling, personnel, payroll, and administrative functions through Allied. The Director is also responsible to University personnel for the administration of campus policies, protocols and expectations.

Full and part-time officers and three lieutenants (shift supervisors) patrol the campus, conduct building checks and interior patrols, staff the communications desk, enforce parking operations, and provide special event security. Officers patrol the campus on foot, vehicle, and golf cart.

Officers of [The Department of Public Safety](#) neither carry weapons nor have powers of arrest. Delaware Valley University Officers enjoy an excellent working relationship with all law enforcement agencies. The Department of Public Safety has a responsibility to ensure the safe travel of pedestrians and motor vehicles while on campus. Officers have the authority to administratively enforce [parking](#) and moving violations occurring on campus. The Department reserves the right to tow, impound or immobilize any vehicle parked in violation of University rules and to impose appropriate administrative fines and penalties.

Public Safety Personnel receive training on a wide range of topics including those relevant to performing the function in a higher education environment. Officers are trained in basic security procedures, first aid, automated external defibrillator (AED), and cardiopulmonary resuscitation (CPR). Additional topics for training through Allied Universal include:

- Clery Act / VAWA
- Title IX
- FERPA
- Trauma & Bias Informed Response
- Communicating with Young People
- Alcohol & Substance Abuse
- Cultural & Gender Identity Awareness
- Emergency Preparedness

## ABOUT THE ANNUAL SECURITY REPORT:

The *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f))* is the landmark federal law, originally known as the Campus Security Act, that requires colleges and universities across the United States to disclose information about crimes that occur on campus, in or on non-campus buildings or property owned or controlled by our school, and public property within or immediately adjacent to our campus.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault certain basic rights, and was amended again in 1998 to expand the reporting requirements.

The Clery Act requires colleges and universities to:

- Publish an Annual Security report (ASR);
- Maintain a public crime log;
- Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities;
- Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees (*names of victim's are withheld as confidential*);

- Devise an emergency response, notification, and testing policy;
- Compile and report fire data to the federal government and publish an annual fire safety report; and
- Enact policies and procedures to handle reports of missing students.

The Clery Act is named in memory of Jeanne Clery who was raped and murdered in her residence hall room by a fellow student she did not know on April 5, 1986. Her parents championed laws requiring the disclosure of campus crime information, and the federal law that now bears their daughter's name was first enacted in 1990. It has been amended regularly over the last 30 years to keep up with changes in campus safety. The Violence Against Women Act (VAWA) and the Campus Sexual Violence Elimination Act (SaVE) expanded the law's requirements concerning the handling of sexual violence.

Annually, the Annual Security Report is distributed to all students, faculty and staff via email and is available on the University website. Copies of this report may also be obtained from the Department of Public Safety upon request.

## REPORTING CRIMES ON CAMPUS

The entire Delaware Valley University community is encouraged to report anything suspicious or of a criminal nature occurring on the Delaware Valley University campus. The accurate and timely reporting of crimes and concerning behaviors helps to facilitate a safer campus for students, faculty and staff and our guests and visitors.

Prompt and accurate reporting allows the University to meet our obligations for collecting and reporting crime statistics under the Clery Act, and can facilitate timely warnings or other community notices that may be required.

All criminal and fire-related incidents should be reported to the Department of Public Safety. Reports may be in person at the Department of Public Safety office; by telephone on the campus telephone system extension 89 or dialing 215.489.4444 (direct line); or by e-mail to security@delval.edu.

Public Safety is available to facilitate and support the reporting of crimes to local law enforcement/municipal authorities and provide available support services to the student victim.

Crime reports are made through the Maxient system for administrative ease and efficiency of collection and reporting through an online form on the Office of Public Safety website.

### Contacts for Reporting

Doylestown Main Campus		
By Telephone	Department of Public Safety	214.489.4444
	Bucks County Emergency Communications	911
	Blue Light Emergency Phones	Push Red Button
In Person	Public Safety Office – Welcome Center	

Via Email:	security@delval.edu	

From the Roth Farm Campus in North Wales: Dial 911

From the Gemmill Campus in Jamison: Dial 911

### **Reporting Through 911:**

Reporting to Public Safety does not preclude, in extremely urgent situations, requesting assistance by dialing 911. If a call has been placed to 911, a call to Public Safety should be placed immediately thereafter. In non-urgent situations, nothing precludes contacting the Central Bucks Regional Police Department at 215.345.4143; the Doylestown Township Police Department at 215.348.4201, or dialing 911.

### **Reporting Through Campus Security Authorities:**

The term “Campus Security Authorities” (CSAs) is a Clery Act specific term that encompasses certain groups of individuals responsible for alerting the University to certain criminal incidents reported to them.

In addition to crimes reported through Public Safety and municipal law enforcement, the law requires that “Campus Security Authorities” report crime statistics for inclusion in the University's Annual Security Report.

Although the University strongly encourages the reporting of crime directly to Public Safety, in some instances members of the campus community may choose to report to a University Official who may be a Campus Security Authorities (CSA) and therefore have obligations to make a report to Public Safety.

“Campus Security Authorities” include, but are not limited to, officials of the University with *significant responsibility for students or campus activities*. By University policy, the following are identified as CSA’s for our campus:

- Public Safety Officers
- Resident Assistants
- Residential Community Directors
- Campus Life personnel
- Advisors to student clubs and organizations
- Coaches to athletic teams and athletics personnel

A crime will be considered “reported” when it is brought to the attention of a Campus Security Authority by a victim, witness, or third party. A CSA who receives crime information and believes it was provided in good faith is instructed to document it as a crime report. CSAs are not responsible for investigating crimes.

The University's CSA's annually receive notice about their roles and obligations for reporting. Prior to the preparation of the Annual Security Report, all CSA's are canvassed to collect crime reports that may not have been logged into the Maxient system to date.

### **Anonymous Crime Reporting:**

A victim of a crime may wish to make an anonymous report to a CSA, as these individuals are not required to disclose confidential information to Public Safety, such as information about a report that would make known the identity of a victim of crime who may wish for their identity to remain anonymous or private.

CSA's are however, required to inform the department of the existence of all known incidents, including confidential incidents, so that those incidents can be recorded as statistics and, where appropriate, included in the university's Annual Security Report.

If a reporting party does not consent to the disclosure of his or her identity to the department, CSAs are expected to inform the department of the reporting party's wish for confidentiality and to report the incident for statistical purposes only for inclusion in the Annual Security Report, without disclosing identifying information. Delaware Valley University will maintain confidentiality under this framework to the extent permissible under law.

Additionally, in accordance with Pennsylvania State law (HB1615), the University provides an option to report complaints of sexual misconduct anonymously through an online reporting process:

[Reporting form for students](#) (including prospective enrollees, alumni, and applicants)

[Reporting form for employees](#) (including independent contractors, volunteers, and applicants)

### **Confidential Crime Reporting:**

There are two classifications of individuals who, although they have significant responsibilities for student and campus activities, are not considered CSA's under Clery, namely pastoral counselors and professional counselors. The law exempts individuals so classified from the responsibility to report crimes disclosed to them.

*A pastoral counselor* is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

*A professional counselor* is defined as a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of their license or certification. This definition also applies to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

The pastoral or professional counselor is encouraged to inform the person they are counseling of the option to report the crime. In the event an individual chooses not to report a crime to Public Safety, the

university urges the person at least to disclose the occurrence of the incident to a Campus Security Authority so it may be counted, as appropriate, in the university's annual Clery report, without any personally identifying information.

### **Reporting Sexual Assault:**

Students may report crimes of rape, sexual assault, or sexual abuse to the police; the Department of Public Safety; staff of Campus Life and Inclusive Excellence/Residence Life; University Title IX Coordinator. All reports remain private and any action is taken with the emotional and safety needs of the victim as a primary consideration. Delaware Valley University has a working relationship with Network of Victim's Assistance (NOVA), and referrals are easily expedited. The trauma center at Doylestown Hospital is equipped to handle sexual assault cases, and the University can assist with transportation.

The University's comprehensive policy for receiving and addressing reports of sexual misconduct is found in the University Policies section of this report.

### **Daily Log of Crime and Fire Reports**

The Department of Public Safety, located in the Welcome Center, maintains a Daily Crime and Fire Log of all reported incidents. The most recent 60-day period is available for public inspection at the Department of Public Safety. Portions of the log older than 60 days are available within two business days of a request for public inspection.

### **Timely Warning**

In compliance with the provisions of the federal *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998*, the Department of Public Safety may issue a "*Timely Warning Notifications*" in response to certain reports to inform the campus community of potential threats against which they can take preventive measures

Such notices are generated to the University Community for Clery Act crimes when such crimes are reported to officials with significant responsibility for student activities, public safety, or the local police and that occur within the Clery Geography of the University and are considered to represent a serious or continuing threat to the campus community. They may be issued via email, website, or Omnilert notification depending on the circumstances.

Issuing of Timely Warning notices are decided on a case-by-case basis in light of all 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.

In general, such warnings will note the type of crime reported, time and location at which it occurred, and advice to the campus community regarding steps to take for personal safety.

Campus community members are strongly encouraged to sign up to receive emergency and timely warning notices through the Omnilert system.

## CRIME PREVENTION MEASURES

The University supports and provides a number of measures to prevent and mitigate the presence of crime and other offenses on campus, including:

**Card Access Control:** Campus residence halls operate on card access assigned to each student. Buildings are locked 24 hours a day and access through card-swipe is recorded for monitoring and security review.

**Campus Patrols:** Public Safety officers regularly patrol the main campus on foot, by vehicle, and on golf cart, permitting easier access to the interior of the campus. Building checks are regular made on rounds and interior building security patrols are conducted through normal course of duties.

**Camera Surveillance:** A network of surveillance cameras exists in locations across the campus:

Life Sciences Building:	exterior entrances; interior elevators; interior rear stairs; interior main lobby; interior first and second floor hallways.
Student Center:	PUB; mailbox area; exterior facing B lot; Bookstore; Post Office; interior lobby
Centennial Hall:	Interior basement (theater, game rooms, laundry hallway)
Cooke Hall:	Interior apartment; Interior rooms facing Student Center and Ulman Hall; interior lounge
Eisner Hall:	Interior classrooms and lobby
Segal Hall:	Interior conference rooms lower level
Mandell Hall:	Exteriors facing Lake Archer and Chapel; interior hallways facing chapel and Lake Archer; interiors rooms 119, and 121

**Emergency Telephones:** Emergency (Blue Light) telephones that connect directly into Public Safety are located across campus as indicated:

- Lot D, along the pedestrian walkway Lake Archer along walkway
- Centennial Hall near parking Lot-B
- Lot-C (admission parking)
- Life Sciences Building (outside front near Work Hall)
- Life Sciences Building, 2nd floor, rear stairwell
- Mandell Science Building rear parking lot
- Alumni Lane between South Hall and Goldman Hall
- Berkowitz Hall at the corner of Campus Loop Road
- South Hall rear of building along Campus Loop Road



- Lot-E South (athletics parking lot)
- Lot-E North (athletics parking lot)
- Equestrian Center Field Lane (at Farm View Lane)

**Omnilert Notification System:** This emergency notification system pushes alerts via emails, SMS text (cell phones), the campus tele-video system, campus network-connected PCs, and social media.

**Panic Call Buttons:** Designated offices across campus are equipped with panic call buttons that ring directly into Public Safety in the event that emergency notification of an event or immediate concern is required.

**Residence Hall Patrols:** Public Safety Officers regularly patrol student residence halls. Enforcement of policy and procedures is the responsibility of both the Department of Public Safety Officers and the Residence Life staff.

**Safety Escort:** Public Safety Officers respond to calls/requests from students for safety escort across campus.

## SAFETY AND PREVENTION EDUCATION

A variety of educational, informational and supportive materials and programs on important safety topics are provided to students and campus.

**Sexual Assault Prevention®** is an online training program required of all new students before matriculating. The program is an online Title IX and Campus SaVE Act education program that combines sexual assault and bystander intervention education.

**Sexual Misconduct and Policy Education:** *Sexual Assault Prevention®* is complemented by a unit in the “DelVal Experience I” course, which is the foundational component of the University’s experiential learning curriculum and required of all new students.

All students annually receive a copy of the Sexual Misconduct Policy to continue these educational efforts.

**Green Dot:** Through a grant offered by the Commonwealth of Pennsylvania’s “It’s on Us” campaign, the University supports the Green Dot campaign and initiative to reduce power-based violence through community- based action. Faculty and staff members have been trained to facilitate Green Dot conversations and are available to groups on campus to do so.

**Emergency Preparedness Guide:** Upon move-in/check in for a new year, resident students receive a copy of the University’s Emergency Preparedness Guide which covers topics related to: protective actions (shelter in place; evacuation); and how to respond in the event of bomb threat, fire, medical emergency, behavioral distress, severe weather conditions, suspicious packages and hostile intruder scenarios.

**QPR training:** QPR (Question, Persuade, Refer) is a suicide prevention program utilized by the University. Public Safety officers and student affairs personnel are trained in the process.

**Aggie Care Team:** Aggie Care Team is a group of University professionals representing key functional areas charged with reviewing referrals collected from campus community members with concerns about a student's behavior, wellbeing or success. Team members meet regularly to review and assess reports and develop an outreach plan to address identified risks and support the health, safety, and success of students

The Department of Public Safety is available to provide seminars, forums and other presentations on campus safety and security to members of the university Community. Campus safety and security is discussed at new student orientation

## ANNUAL DISCLOSURE OF CRIME STATISTICS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. To comply with the disclosure requirement regarding crime statistics, crime statistics for the past three years of crimes are included in this Annual Security Report.

For the purposes of counting, classifying and disclosing crime statistics, Delaware Valley University does so based on the definitions provided by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program.

For the categories of *Domestic Violence, Dating Violence and Stalking*, the *Clery Act* specifies use of definitions provided by the Violence Against Women Reauthorization Act (VAWA).

### Preparation of the Report:

The preparation of the Annual Security Report is the responsibility of key personnel within the Division of Campus Life and Inclusive Excellence, namely the Vice President, and the Dean of Students, in partnership with the Department of Public Safety and in compliance with Chapter 33 (PA College and University Security Information Act) 24 P.S 2502.1 – 2502.5 and the Federal Student Right to Know and Campus Security Act of 1990 (P.L. 101-542) as amended through the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The 2021 Annual Security Report contains crime statistics for the years 2018, 2019, and 2020 that occurred on campus, in the University's non-campus buildings, and on public property within, or immediately adjacent to and accessible from, the campus. These statistics also include persons referred for campus disciplinary action for categories required under the Clery Act, including liquor law violations, drug law violations, and illegal weapons possession.

The report is prepared in cooperation with municipal law enforcement agencies surrounding our campus. Its statistics are drawn from university reports and reports by local law enforcement. In accordance with regulations, the University collects statistics from a broad range of campus officials (CSA's), campus security, and local law enforcement. The law requires disclosures to protect the confidentiality of victims in these statistical disclosures as well as any public record keeping, to the extent provided by law.

During the 2020 reporting period, campus operations were significantly altered by COVID-19. Upon direction of the Commonwealth of Pennsylvania, the physical campus closed in March of 2020, and fall of 2020 saw reduced residential occupancy and activity, and greater levels of remote and online learning.

## **Crime Definitions and Categories**

To better understand the explanation of what the statistics represent a definition of terms follows. Clery crimes are classified in four categories: Criminal Offenses; Hate Crimes; VAWA Offenses; and Violations of Weapons, Drug Abuse and Liquor Laws.

### ***Criminal Offenses***

*Arson:* is 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.

*Aggravated Assault:* is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.

*Burglary* is 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* is 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.)

*Murder/Negligent Manslaughter* is defined as the killing of another person through gross negligence.

*Murder/Non-negligent Manslaughter* is defined as the willful (non-negligent) killing of one human being by another.

*Robbery* is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

*Sex Offenses:* Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.

- Fondling: Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent

### ***Hate Crimes***

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Bias is a preformed negative opinion or attitude towards a group of persons based on their race, gender, religion, disability, sexual orientation, ethnicity, national origin or gender identity.

For Clery purposes, hate crimes include any of the above criminal offenses, as well as the addition of the categories below:

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

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

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

*Destruction, damage or vandalism of property*: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

Categories of Prejudice Specific to Hate Crimes Race:

The categories of bias included for reporting under the Clery Act are defined below:

*Race*: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.), genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

*Religion*: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

*Sexual Orientation:* A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex.

*Gender:* A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender.

*Gender Identity:* A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g. bias against transgender or gender non-conforming individuals).

*Ethnicity:* A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

*National Origin:* A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

*Disability:* A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **VAWA Offenses**

The Violence Against Women Reauthorization Act ("VAWA"), which President Obama signed into law on March 7, 2013 imposes new obligations on colleges and universities under its Campus Sexual Violence Act ("SaVE Act") provision, Section 304. Under this law the additional crime categories are collected:

*Domestic Violence:* is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA); or 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.

*Dating Violence:* violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between persons involved in the relationship. *Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse* (Handbook for Campus Safety and Security Reporting, 2016).

*Stalking:* a course of conduct directed (two or more acts) at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress. Note

1): the physical location of the course of conduct or portions of it does not matter. Note 2): "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" (Handbook for Campus Safety and Security Reporting, 2016).

### ***Violations of Weapons, Drug Abuse and Liquor Laws***

The number of arrests and the number of referrals for disciplinary action for the categories listed below. Per the Delaware Valley University Student Code of Conduct, it is possible for a student to not be arrested but, rather, be referred for disciplinary action for one or more of the following offenses:

*Weapon Law Violations:* the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

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

*Liquor Law Violations:* violations of laws or ordinance 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; all attempts to commit any of the aforementioned.

### **Clery Geography Locations**

The term **Clery Geography** is used to describe the geographic area for which an institution of higher education is responsible for disclosing crime statistics. The following, as defined by the Clery Act (U.S. Dept. of Education, Office of Postsecondary Education, 2016, 2-2) describe the areas that cumulatively account for an institution's Clery Geography.

***On Campus:*** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls. Also, any building or property that is within or reasonably contiguous to the area identified in the first part of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

***On Campus- Residential:*** any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility

**Non-Campus Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

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

## **Statistics for Years 2018, 2019, 2020**

The statistical tables of Clery Reportable Crimes for the years 2018, 2019 and 2020 are found in Appendix A of this report.

## **EMERGENCY RESPONSE PLAN**

Delaware Valley University maintains an Emergency Operations Plan (EOP) that is an all-hazards plan for the protection of life and property on this campus. The plan supports the prevention, preparedness, response, and recovery activities in a crisis or emergency and the procedures apply to all personnel, buildings and grounds owned or operated by Delaware Valley University.

This plan directs the University's procedures for emergency response which are subordinate to federal, state or local plans during a disaster declared by those authorities and is further subordinate to municipal law enforcement and EMS agencies in the execution of their duties responding to emergencies on campus.

### **Scope and Purpose**

The plan covers a wide range of emergency scenarios and enables university personnel and stakeholders to cope effectively with campus critical incidents and emergencies. Because the succession of events in an emergency or disaster is not predictable operational plans, the EOP serves as a guide and a checklist and may require modifications to meet the requirements of the emergency.

Specifically, the Delaware Valley University Emergency Operations Plan is designed to:

1. Provide for the protection of lives and property through the effective use of university and community resources during a crisis or emergency.
2. Define the roles and responsibilities of University personnel, administrative units, and a management structure for coordinating response and action in an emergency.
3. Provide coordinated internal and external notifications and communications.
4. Identify personnel, equipment, facilities, supplies and other resources for use in response and recovery operations that can be made available by agreement with outside agencies



5. Facilitate support to those affected by a crisis or emergency; and
6. Assure coordination and cooperation with county and municipal efforts

The EOP is a living document, continually under revision and improvement as the university environment evolves and changes. The University has most recently engaged in a consultancy with Margolis Healy, a professional services firm specializing in safety, security, and emergency preparedness, for a comprehensive review of the emergency plan.

## **Emergency Teams**

The University's Emergency Plan operates under the authority of the President and deploys three distinct groups for its implementation and ongoing review:

***Emergency Planning Committee (EPC):*** an assemblage of university officials appointed by the president to advise and assist in making comprehensive emergency related policy decisions and overseeing the plan itself. This committee is not part of emergency response.

***Executive Policy Group (EPG):*** The Executive Policy Group is a separate element of the organizational structure where University administration come together to make major policy decisions. They also serve to insulate the Emergency Management Team from inquiries into the incident from high-level entities, such as local community leaders, government officials, or board of trustees.

***Emergency Management Team (EMT):*** charged with incident assessment and action under the Incident Command System (ICS). The EMT is comprised of designated core members of the EPC and additional personnel as warranted to execute the hazard-specific plan during an emergency. The emergency management team staffs the emergency operations center.

## **Functional Annexes**

Functional annexes focus on critical operational functions and courses of action developed to carry them out. Functional annexes describe actions that may be taken across any hazard. The University's plan includes functional annexes for:

- Evacuation
- Deny entry/lockdown
- Shelter-in-Place
- Lockdown
- Accounting for all persons
- Communications and notifications
- Public Health, medical and mental health
- Securing campus assets

## Testing, Training and Education

Members of the university Emergency Planning Committee are required to successfully complete the Introduction to Incident Command System course provided by FEMA.

Primary and alternate members of the Emergency Management Team will additionally complete: *Fundamentals of Emergency Management* as well as FEMA coursework specific to the operations, logistics, planning and finance functions of the Incident Command Structure

The Public Information Officer will successfully complete FEMA course: *IS-29a: Public Information Officer Awareness*

Drills and exercises: The Emergency Management team drills annually with a tabletop exercise designed to test the plan and to build and maintain the university's emergency capabilities. Recent topics of these exercises include:

2019 Fire in Campus Facilities  
2020 Pandemic Response  
2021 Severe Weather Emergency

The University has prepared an *Emergency Preparedness Guide* which covers topics related to: protective actions (shelter in place; evacuation); and how to respond in the event of bomb threat, fire, medical emergency, behavioral distress, severe weather conditions, suspicious packages and hostile intruder scenarios.

An 'Incident Quick Guide' has been created for placement near classroom and building telephones and provides instruction on steps to take in a variety of situations.

### Campus Alerts and Notifications:

General responsibility for communicating with the campus rests with the Chief Marketing Officer, acting as Public Information Officer (PIO).

#### *Emergency Notifications System:*

Delaware Valley University utilizes the Omnilert emergency alert system to communicate with members of the campus community in situations where timing is a relevant issue. Community members are encouraged regularly to sign up for the system which issues alerts via emails, SMS text (cell phones), the campus tele-video system, campus network-connected PCs, and social media.

#### *Emergency Notices*

In the event of a significant, dangerous, imminent risk or threat in which campus community members must take immediate protective action to secure their own health and safety, Public Safety is authorized under this plan, should it be deemed necessary, to activate the Omnilert emergency alert system to signal protective actions:

*Sheltering*: actions to take advantage of protection against severe weather conditions or other external imminent dangers which call for persons to remain indoors away from doors and windows, until the period of danger has passed and an all-clear has been given.

*Lockdown* (hide and barricade): non-weather-related instruction wherein persons stay in place, close and lock doors and barricade same, and do not permit entry by others, even those known to building occupants. Fire alarms are ignored unless instructed to leave by police or fire personnel.

*Directed instruction*: other actions as deemed appropriate to the conditions, for example, direction to report to a specific location, direction to vacate the campus, direction to initiate 'run, hide, fight', direction not to come to work or class, etc.

*Evacuation*: movement away from a designated building or structure to a designated rally point for accounting of personnel. The designated campus rally points are identified in the accounting for all person's annex.

Many factors are considered when deciding to and how to disseminate emergency warnings. Below are some broad considerations for warning dissemination.

- Type of hazard
- Life safety and property protection
- Urgency
- Audience
- System(s) capabilities

### *Timely Warnings*

In compliance with the provisions of the federal *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998*, the Department of Public Safety may issue a "*Timely Warning Notifications*" in response to certain reports to inform the campus community of potential threats against which they can take preventive measures

Such notices are generated to the University Community for Clery Act crimes when such crimes are reported to officials with significant responsibility for student activities, public safety, or the local police and that occur within the Clery Geography of the University and are considered to represent a serious or continuing threat to the campus community. They may be issued via email, website, or Omnilert notification depending on the circumstances.

Campus community members are strongly encouraged to sign up to receive emergency and timely warning notices through the Omnilert system.

## UNIVERSITY POLICIES RELATED TO SAFETY AND SECURITY:

The University maintains policies and programs with the safety, security and well-being of the campus and its members in mind, a number of which are more fully detailed at the site below:

[Student Life Policies | Delaware Valley University \(delval.edu\)](#)

### **Access Policy**

Generally, during business hours, the University will be open to students, parents, employees, contractors and visitors. During non-business hours, access to all university facilities is by key, if issued; access card; or by admittance via the Department of Public Safety.

Every student, faculty and staff member is issued an ID card by the University and is strongly encouraged to wear or carry this ID card at all times while on campus. ID cards serve students as card access for entry into residence halls. Residence halls are secured 24 hours a day.

### **Alcoholic Beverage Policy**

It is illegal in the Commonwealth of Pennsylvania for any person:

- Under 21 years of age to possess, attempt to purchase, consume, or transport any alcoholic beverages within Pennsylvania.
- To sell or give alcoholic beverages of any kind to a person who is under 21 years of age.
- To misrepresent his or her own age or the age of any other person to obtain alcoholic beverages.

The University is not responsible for enforcing the laws of Pennsylvania but fully and openly cooperates with local, state, and federal authorities in enforcement of these laws. All students are responsible for abiding by the laws of the Commonwealth.

[Pennsylvania Crimes Code information regarding laws and associated penalties related to alcohol](#)

[Procurement, possession, distribution and licensing requirements related to alcohol in Pennsylvania](#)

[Health information related to the consumption of alcohol](#)

### **Child Protection**

While any individual may, and is encouraged to, report suspected child abuse whenever and wherever it occurs, all employees, independent contractors, students who work or volunteer with individuals under the age of 18, consultants, sub-contractors, adjunct faculty, volunteers, or those affiliated in any way with Delaware Valley University are mandatory child abuse reporters required to make a report whenever the person has reasonable suspicion that a child under the age of 18 is a victim of child abuse.

## **Code of Conduct**

The Code of Conduct is designed to create an environment on campus in which all students are able to reach their potential in a safe and responsible environment. The Code sets forth expectations for behavior, and outlines educational procedures regarding student conduct.

The goals for the University's Student Code of Conduct differ from those of the criminal justice system. Education and accountability to community are the top priorities of the student conduct process. Principles common to a courtroom do not apply here. Rather, we rely on educational procedures that balance individual learning and community welfare.

In resolving issues of student misconduct or violation of stated policies, Delaware Valley University uses the standard of “preponderance of the evidence” to determine a student's responsibility for violations of policies. This means that it is “more likely than not,” that the behavior occurred, based upon the information provided through the course of the review of the behavior in question. Students are entitled to fundamental fairness in procedures to resolve issues of misconduct, which means having the right to receive appropriate notice about specific behaviors of concern and to be able to respond to those concerns. In the case of formal proceedings students are afforded the right to be assisted by an advisor and to appeal the outcome of hearings.

The Vice President for Campus Life and Inclusive Excellence (VPCLIE) is the person designated by the University President to be responsible for the oversight of the Student Code of Conduct and its administration. The Chief Student Conduct Officer is that University official authorized by the VPCLIE to administer the Code and its proceedings. The Dean of Students is the official designated by the VPCLIE as the Chief Student Conduct Officer.

The University's expectations for student conduct apply to on-campus behavior, to behavior while studying on a University-sponsored program abroad, and to off-campus behavior that occurs while the student is enrolled at the University.

In situations involving violation(s) of law, students are advised that they are responsible for their actions and any consequences imposed by authorities outside the institution. In cases where student behavior is in violation of law and of the Student Code of Conduct, the University reserves the right to take action independent of and in addition to any action by civil or governmental agencies. On-campus resolution does not prevent or limit a student's access to the state and federal justice systems.

The privilege of being a student at Delaware Valley University carries with it certain responsibilities for behavior. Students, as adults, bear ultimate responsibility for their actions and are expected to review and uphold the Student Code of Conduct which is maintained on the University's website and is sent twice annually to students.

Student conduct is considered open for review under this policy from the time that a deposit is placed for admission to the University.

## Drug Policy (Controlled Substances)

Delaware Valley University will not tolerate any form of possession, use and/or distribution of controlled substances, including paraphernalia, which are prohibited by federal, state or local law. Concerns of this nature will be formally addressed through the student conduct process. Depending on the circumstances, suspension or expulsion from Delaware Valley University is possible.

### *Definition of Terms*

**Distributing:** Deliver, sell, pass, share, or give any controlled substance determined to be illegal from one person to another or to aid therein.

**Possession:** Possess or hold without any attempt to distribute any controlled substance, determined to be illegal.

**Paraphernalia:** Examples include any and all types of drug paraphernalia including but not limited to bongs, water pipes, roach clips, pipes, bowls or any items modified or adapted so that they can be used to consume controlled substances. These items are not allowed on University property and will be confiscated when found.

## Hazing Policy

Hazing is a serious felony under the Commonwealth of Pennsylvania. Both the Commonwealth and thus the Delaware Valley University has defined hazing. Key to anti-hazing and hazing prevention efforts is the Timothy J. Piazza Antihazing Law. This policy applies to all behaviors on or off Delaware Valley University property. Implied or expressed consent of a university community member to hazing is not a defense under the policy.

Hazing in any form is prohibited. Delaware Valley University defines hazing as any action taken or situation created involving and/or returning members as part of joining, maintaining membership, or holding a leadership position, regardless of the individual's willingness to participate, that: violates federal, state, local, and campus; humiliates, degrades and individual or groups; intentionally or unintentionally endangers an individual (mentally, physically, emotionally).

[This policy](#) applies to all members of the university community. Members of the 'University Community' refers to its faculty, staff, students, volunteers, coaches, organizations, groups, teams, alumni, and individuals who can be presumed to be connected to the University.

An 'organization' is defined as persons enrolled as students at the University who are associated with each other and have completed the process of being a recognized student club or organization with the Office of Student Involvement and the respective student governing council.

A "group" is defined as persons who are associated with the University and each other, but are not a recognized organization or are not required to register as an organization including, but not limited to varsity athletic teams, administrative units, academic departments, musical or theatre groups.

## **Minors on Campus**

The University maintains a Minors on Campus policy in compliance with The Child Protective Services Law 23 Pa.C.S. Chapter 63 and Act 153 of 2014 to provide for appropriate supervision of minors who are involved in University-sponsored programs, programs held at the University and/or programs housed in University facilities at all geographic locations.

Except as specifically stated above, this policy applies to activities and programs held on University property, in University facilities or under the authority and direction of the University or its authorized representatives or employees at other locations. This policy applies to all schools and departments operated by the University including but not limited to athletic camps, academic programs and any other activities and/or programs intended for minors, whether the program is a program delivered during the day or involves the overnight housing of minors in residence halls.

This policy does not apply when a minor participates or attends: 1. Events on campus open to the general public and which minors attend. Recruiting visits by prospective students and student-athletes. During this type of visit, it is expected and required that the minor be accompanied by an adult who will provide supervision. 2. Campus visits by prospective students during which the prospective students are not overnight guests at the University.

The policy lays out conditions and terms of supervision for minors on campus; behaviors required of adults who may be in contact with minors on campus; requirements for background checks and clearances required of adults who have direct contact with minors on campus; and reporting obligations.

## **Missing Person Policy**

The purpose of this policy is to establish procedures for Delaware Valley University's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008.

This policy applies to students who reside in on-campus housing and are deemed missing or absent from the College for a period of more than 24 hours without any known reason or which may be contrary to usual patterns of behavior.

### ***Procedures for Designation of Emergency Contact Information***

- a. Housing Application Process: All resident students, as part of the application process, are required to supply emergency contact information and missing student contact information in order to complete a request to live on campus. This contact information is confidential, and both contacts need not be the same individual.
- b. Registration process: All students have the opportunity during each semester's registration process to designate an individual or individuals to be contacted by the college no more than 24 hours after the time that the student is determined to be missing in accordance with the procedures set forth below. A designation will remain in effect until changed or revoked by the student.



- c. All students, resident or not, are responsible for ensuring that the emergency contact information on file with the Registrar's Office is accurate and current.

#### *Notification Procedures for Missing Residential Students*

- a. Any individual who has information that a residential student may be a missing person must notify the Office of Public Safety (215-489-4444) as soon as possible.
- b. The Office of Public Safety will gather all essential information about the residential student from the reporting person and from the student's acquaintances. Such essential information will include, but not be limited, to the following: description of the student, clothes last worn, where student might be, who student might be with, cell phone number, vehicle description, class schedule, and status of student's physical and mental well-being.
- c. Notification, contact, and follow up with the Dean of Students or designee will be made by Public Safety.
- d. If the above actions are unsuccessful in locating the student or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the Office of Public Safety will contact the appropriate local law enforcement agency to report the student as a missing person and the local law enforcement agency will take charge of the investigation.
- e. No later than 24 hours after determining that a residential student is missing, the Dean of Students or designee will notify the emergency contact (for students 18 and over or emancipated minors) or the parent/legal guardian (for students under the age of 18) that the student is believed to be missing.
- f. Appropriate University Administrators will be notified by the Dean of Students or designee in accordance with this policy.

#### *University Communications about Missing Students*

Law enforcement personnel are best situated to provide information to the media that is designed to gain public assistance in the search for a missing person. As such, all communications regarding missing students will be handled by the appropriate local law enforcement agency, who may consult with the University's Office of Marketing and Communications. All inquiries to the University regarding missing students, or information provided to any individual at the College about a missing student, shall be referred to the Office of Public Safety, who shall refer such inquiries and information to the appropriate local law enforcement agency.

Prior to providing the Delaware Valley University community with any information about a missing student, the Office Marketing and Communications shall consult with the Office of Public Safety and with the appropriate local law enforcement agency to ensure that communications do not hinder the investigation.

#### **Residential Life and Safety Policies**

Delaware Valley University offers on campus housing options for undergraduate students. No fraternity and sorority residences are located on campus. On campus residence halls include:

<b>Residence Hall</b>	<b>Standard Occupancy</b>
Barness Hall	59 students
Berkowitz Hall	103 students
Centennial Hall	77 students
Cooke Hall	59 students
Goldman Hall	96 students
Samuel Hall	92 students
South Hall	303 students
Ulman Hall	88 students
Work Hall	118 students

Access to residential facilities is limited to students and authorized personnel at all times. All visitors must be signed in by a resident student. Both the visitor and the student must have identification. The university has a comprehensive access control system in place, which includes both automated and manual locks. The University is able to monitor access to residence halls through use of the ID card swipe system of control access.

Public Safety Officers regularly patrol student residence halls. Enforcement of policy and procedures is the responsibility of both the Department of Public Safety Officers and the Residence Life staff. The Department of Public Safety and Campus Life and Inclusive Excellence personnel enjoy a close working relationship. This cooperative venture addresses situations as they arise, as well as future concerns.

In order to create a positive living environment, a number of safety-related policies specific to residential living are established and noted below:

### ***Guests***

Students may host other students and guests (non-student) in their rooms at any time. Roommates are expected to establish agreed upon expectations for hosting other students and guests. All visitors, other students or guests, are expected to adhere to the Community Standards of the University. Students are responsible for the actions of their guests at all times.

Room sizes are such that students may host a maximum of two guests at any one time. Residents are not permitted to provide living quarters for someone who is not assigned to that room.

Guests who visit the residence halls any night between 10 p.m. and 8 a.m. must register with Public Safety at the Welcome Center. Registered guests must be at least 17 years of age (16 if they are a prospective student on an approved visit) and have a valid form of photo ID. An official university guest pass will be given to each registered guest to give to the residential staff. Guests under 17 years of age who are family relations to a student may register as an overnight guest only if accompanied by a parent or legal guardian at all times. The parent/guardian must also be registered as an overnight guest.

### ***Vandalism***

Destruction or damage of University or other students' property and/or activities that require excessive cleaning is unacceptable in the community. Responsible students will be accountable include but not limited to repair, replacement and/or excessive cleaning costs. When responsible students cannot be identified, the floor/building community may be held accountable.

### ***Propping and Forcible Opening of Doors***

Due to comprising the safety of the hall community, propping and forcible opening of residence hall doors is prohibited at all times. Responsible students will be held accountable, including but not limited to repair/replacement costs. A student who is locked out of a residence hall may contact the Office of Public Safety and Security to gain entry. The Office of Public Safety and Security can assist students with malfunctioning or replacing lost student ID cards.

### ***Smoking***

For fire safety reasons, smoking is not permitted in any residence hall at any time, including students' rooms, lounges, bathrooms or other common areas. This includes the use of E-cigarettes, vaporizers or any other smoking device. Smoking outside of a residence hall is prohibited within 15 feet of any door or window. It is expected that smoking be conducted in a courteous fashion that respects the community and living space of other students. This includes disposing of all smoking waste (butts, ashes, matches, and packaging) in the appropriate containers provided.

### ***Personal Property/Liability***

Each student is responsible for his/her personal belongings and is strongly encouraged to lock the door to the residence hall room and/or suite at all times for security of belongings and safety of the student. Should a student have a concern about missing items, the matter may be reported to the Public Safety and Security Office, located in the Welcome Center. Additionally, each student is advised to insure personal belongings as the University is not responsible for the loss or damage of any person's property for any reason and does not insure any personal belongings against any type of damage or theft.

### ***Prohibited Items***

For the safety of each student and the community, the following items are not permitted in the residence halls:

- Cooking or heating appliances with a hot plate or exposed coil
- Air conditioners not supplied by the University
- Grills and associated items, including charcoal, lighter fluid, propane gas or other flammable substances
- Weapons, firearms, ammunition, or any other dangerous projectiles (including BB and pellet guns)
- Water beds
- Power strips and extension cords other than "Fire Shield" and "Woods" brand products
- Any flammable or incendiary material including candles, incense, fireworks or explosive
- Halogen or heating lamps
- Cut plants, such as natural Christmas trees and wreaths, live potted trees, and hay bales
- Battery-operated personal transport device and/or their batteries, such as 'hoverboards' or powered scooters

### ***Room Entry by University Personnel***

Delaware Valley University is dedicated to preserving students' rights to study, to reflect, to have quiet, and to rest in their rooms. However, the University maintains the authority to enter and inspect any student's room at any time.

Staff members from Campus Life and the Public Safety and Security Department are authorized to enter a student's room for reasons including, but not limited to, potential emergency situations, investigation or enforcement of University policy, determining occupancy, inspecting for health and safety reasons, and for routine inspections. The Maintenance Department is authorized to enter a student's room to provide for maintenance, make repairs, or for facility emergency situations.

Every effort is made to ensure that the personal belongings of students are not disturbed unless deemed necessary by the staff members involved in the situation.

University staff members are authorized to enter rooms with law enforcement officials to determine whether a violation of the federal, state, or local law has occurred. Any information gathered from this entry may be used in University disciplinary proceedings.

### ***Health and Safety Checks***

For community safety and residence hall security purposes, Residence Life staff members perform Health and Safety Checks of every occupied residence hall room at specified times during the academic year. These checks typically occur during residence hall closings. Staff members will complete the checks in pairs. A copy of the completed Health and Safety form is left in every room once the check is completed. Residence Life staff will follow up with any students where concerns were noted.

### ***ID Cards***

Students are expected to carry a University-issued ID card at all times. Student ID cards must be presented when requested by a University official. Students may obtain a replacement for a lost or damaged ID card from the Public Safety and Security Office, located in the Welcome Center, and the student will be responsible for any fee associated with the replacement.

### ***Fire Safety***

Tampering with fire detection equipment, fire alarms, fire extinguishers, or setting off a false fire alarm are serious community safety concerns and are designated as a Type I violation in the Student Code of Conduct. Any violation of the Fire Safety policy compromises the safety of all residents, and as such are more likely than not to result in a student's separation from the University.

Each residence hall room is equipped with a smoke detector. For the safety of the community, students are not permitted to remove the batteries from the smoke detector. If the smoke detector in a student's room signals a need for new batteries, students should report the matter to residential staff or contact the Maintenance Department at x2228. With the sole exception of lighting cigarettes outside of the residence halls, unauthorized fire in or around the residence halls is prohibited.

### *Fire Drills and Procedures*

Fire drills must be conducted for all residence halls at least once per semester. When a fire alarm sounds, all individuals of the building are expected to leave the building using the nearest exit as quickly as possible. To ensure safety and to account for each resident, it is required that once outside the building residents of each residence hall regroup in these areas:

Barness, Cooke, and Ulman Halls: Meet in Levin Dining Hall.

Berkowitz, Goldman, Samuel, and South Halls: Meet in the Work Gym lobby.

Centennial and Work Halls: Meet in the Life Sciences Building lobby

Students may only return to the building when a university official gives the notice that it is safe to do so.

### **Sex Offenders Registry Policy**

The federal Campus Sex Crimes Prevention Act (Public Law No. 106-386 §1601), which went into effect on October 28, 2000, requires each state to provide information regarding registered sex offenders to the local law enforcement agency with jurisdiction where an institution of higher education is located.

In the Commonwealth of Pennsylvania, convicted sex offenders and sexual predators must register with Pennsylvania State Police. The law also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student.

The act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. You can find more information on Megan's Law at the Pennsylvania State Police Sexual Offender Information website: [www.pameganslaw.state.pa.us](http://www.pameganslaw.state.pa.us). This service is free of charge.

The Family Educational rights and Privacy Act of 1974 (FERPA) permits an educational institution to disclose information provided by a state concerning registered sex offenders.

### **Weapons on Campus Policy**

All members of the University community, including faculty, staff, and students, as well as visitors to DelVal, are prohibited from possessing firearms, explosives or weapons (hereafter collectively referred to as "weapons") on the premises of the University or in any building under University control or at any University-sponsored event without the explicit authorization of Delaware Valley University, whether or not a federal or state license to possess the same has been issued to the possessor.

This prohibition conforms to the Pennsylvania Uniform Firearms Act, Chapter 61 and Section 301 of the Pennsylvania Crimes Code which defines a deadly weapon as any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or instrumentality which, in the manner in which it is used or intended to be used, is calculated or likely to produce death or serious bodily injury.

## SEXUAL MISCONDUCT AND TITLE IX

The Campus Sexual Violence Elimination Act, or Campus SaVE Act (SaVE), is a 2013 amendment to the federal Jeanne Clery Act. SaVE was designed by advocates along with victims/survivors and championed by a bi-partisan coalition in Congress as a companion to Title IX that will help bolster the response to and prevention of sexual violence in higher education.

To increase transparency about the scope of sexual violence on campus, SaVE requires that colleges and universities provide for standards in institutional conduct proceedings and offers campus community-wide prevention educational programming.

Delaware Valley University's comprehensive Sexual Misconduct policy addresses the manner in which the University will: prevent sexual misconduct; encourage and respond to reports of sexual misconduct; and comply with applicable laws, specifically: Title IX of the Education Amendments of 1972; Title IV of the Higher Education Act of 1965; the Family Educational Rights and Privacy Act of 1974; the Jeanne Clery Disclosure of Campus Security Policy Campus Crime Statistics Act and the Campus Sexual Violence Elimination Act (SaVE Act) passed in March 2013 as part of the Violence Against Women Reauthorization Act (VAWA).

The policy addresses:

- Purpose and scope
- Role of Title IX Coordinator and other key personnel
- Definitions of prohibited conduct
- Definition and explanation of concept of "consent"
- Support and resource information for victims of sexual assault
- Prevention education requirements
- Confidentiality and private options for reporting
- Formal reporting options for university and law enforcement response
- Investigation and resolution procedures
- University's reporting and record-keeping requirements
- Resources, support and contact information
- Related policies and guidelines

### **Title IX Statement**

Delaware Valley University does not discriminate on the basis of sex in the administration of any of its education programs or activities, including but not limited to admissions, financial aid, athletics and employment policies and practices, as required by Title IX of the Educational Amendments of 1972, which states that:

*No 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.*

One of our University's values is to respect all people. Individuals participating in or attempting to participate in a University program or activity have the right to be free from all forms of gender and sex-

based misconduct. This Title IX Policy (the “Policy”) specifically prohibits gender and sex-based misconduct in the form of sexual harassment, sexual violence, domestic violence, dating violence and stalking, as described in Section V of this Policy. Conduct that does not implicate this Policy might fall under other University policies, such as the Student Code of Conduct.

The University is committed to eliminating sexual misconduct, preventing its recurrence and addressing its effects to ensure that all individuals have equal opportunity to be engaged in campus life and benefit from the University's education programs and activities.

Any individual designated by the University as a Title IX Coordinator, Investigator, Hearing Officer, Appellate Decision Maker, or facilitator of an Informal Resolution Process will be free of bias or any conflicts of interest for or against Complainants and Respondents generally and specifically as to individual Complainants and Respondents.

### **Scope of the Policy**

This document sets out procedures, confidential resources, educational resources, and guidance to assist those who have experienced or been affected by Prohibited Conduct as defined in Section V of this Policy, whether as a Complainant, a Respondent, or a third party.

This Policy: (i) applies to all students (and may include prospective enrollees, applicants, and alumni), current employees (which includes all faculty, staff and administrators), independent contractors, and volunteers (collectively referred to as “Covered Individuals”); (ii) participating in, or applying to participate in, a University education program or activity, as defined in Section IV below; and (iii) is limited to allegations of Prohibited Conduct that occurs in the United States.

After reviewing this document, covered individuals will have the knowledge and information that will allow them to:

- Understand what constitutes Prohibited Conduct under this Policy;
- Find sources of support, information and resources to address Prohibited Conduct;
- Be familiar with the roles of University personnel responsible for ensuring compliance with this Policy;
- Know how to make a report or formal complaint, and access support services; and
- Understand the process by which the University responds to both reports and formal complaints of Prohibited Conduct.

For allegations relating to conduct outside of the scope of this Policy, the University may seek to address such allegations through other University policies or codes of conduct.

### **Title IX Coordinator and the Centralized Review Team**

The Title IX Coordinator is the employee of the University with major responsibility for the development, implementation and monitoring of meaningful efforts to comply with Title IX. Responsibilities include: coordinating any investigations of complaints under Title IX; insuring a coordinated and integrated response across the University through education, training, policies and support; maintaining a



centralized reporting, investigatory and record-keeping process; and the administration of a prompt, fair and impartial grievance process.

When complaints involve employees, independent contractors, and/or volunteers, the Title IX Coordinator will work closely with the Director of Human Resources. Together with the Director of Public Safety, the Title IX Coordinator and the Director of Human Resources comprise the Centralized Review Team ("CRT").

In certain matters, the Title IX Coordinator may rely on Designees, who have responsibility for managing the grievance process for complaints of Prohibited Conduct. Nothing prohibits any member of the CRT or Designees from serving as an Investigator in any particular matter, except that in order to avoid perceived or actual bias or a conflict of interest, once an individual is assigned as the Investigator in a particular matter, he/she/they will be walled off from otherwise participating in decisions with respect to the complaint, except that the Investigator may provide the CRT, Designees, and the Hearing Officer with information gathered during the investigative process.

### *Training of Personnel*

Members of the CRT and Designees have been identified for inclusion in their roles by virtue of their positions and training. The CRT and Designees meets regularly to continually explore current issues related to prevention and response to sexual harassment on University campuses, and to review emerging compliance mandates and guidelines.

Ongoing training for the CRT and Designees also includes, but it not limited to, burden of proof, standard of proof, questioning parties and witnesses, assessing credibility and relevance of information, evaluating consent, determining incapacitation, and sanctioning

The following identifies the CRT members and the Designees:

#### **Title IX Coordinator**

Tim Poirier, Dean of Students  
[timothy.poirier@delval.edu](mailto:timothy.poirier@delval.edu)  
215.489.2215

#### **Director of Human Resources**

Jennifer Brennan  
[jennifer.brennan@delval.edu](mailto:jennifer.brennan@delval.edu)  
215.489.2346

#### **Director of Public Safety**

Ryan Cahill  
[ryan.cahill@delval.edu](mailto:ryan.cahill@delval.edu)  
215.489.2905

#### **Designees**

Kelly Hojnacki  
Assistant Dean of Student Development  
[kelly.hojnacki@delval.edu](mailto:kelly.hojnacki@delval.edu)

215.489.2215

Robert Dearden

Coordinator of Student Development

[robert.dearden@delval.edu](mailto:robert.dearden@delval.edu)

215.489.2215

Members of the CRT and Designees work with various campus partners, community partners, and government agencies to ensure that the University provides and supports a coordinated and systemic network of effective prevention and response.

Reports to the University result in a procedural response, described throughout this document, to ensure the safety of the reporting individual and the University community. The University will respect and safeguard the privacy of reporting individuals while meeting the University's responsibility to maintain a safe learning environment.

### **Relevant Terms Defined**

The following definitions are relevant to this Policy:

#### *Complainant:*

A Complainant is an individual who alleges to be the victim of one or more forms of Prohibited Conduct identified in Section V of this Policy and makes a report and/or files a formal complaint. In order to trigger the requirements of the Policy, the Complainant must be a Covered Individual participating in, or attempting to participate in, a University program or activity at the time a formal complaint is filed. Individuals on hiatus from the University, or have left the University because of Prohibited Conduct and plan to re-enroll depending on the University's response are deemed to be participating in a University program or activity for purposes of this Policy.

For purposes of this Policy, an alum is an individual who has graduated from a program at the University and intends to apply to a different program and/or remain involved with the University through alumni programs and activities.

#### *Education Program or Activity:*

A program or activity includes: (i) all of the operations of the University; (ii) locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Prohibited Conduct occurs; and (iii) any building, on or off-campus, which is owned or controlled by a student organization that is officially recognized by the University. An employee, independent contractor, or volunteer in service to the University participates in a program activity when performing his/her/their duties to the University.

The University's operations include computer and internet networks, digital platforms, and computer hardware or software owned, operated, or used in the University's operations. Off-campus conduct that occurs outside of the University's control may, in certain circumstances, fall under this Policy if, for example, the Complainant has to interact with the Respondent in the University's operations or where

the effects of the underlying events create a hostile environment in the Complainant's workplace or educational environment.

#### ***Formal Complaint***

A document filed by a Complainant or signed by a Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that the University investigate the allegation. Formal Complaints are not subject to any time limits, except that at the time of filing, a Complainant must be participating or attempting to participate in a University education program or activity.

#### ***Respondent***

A Respondent is an individual who has been reported to be the perpetrator of alleged Prohibited Conduct as defined in Section V of this Policy. Covered Individuals can be a Respondent.

### **Prohibited Conduct**

This Policy prohibits broad categories of misconduct on the basis of one's sex, and includes the following behaviors which, if alleged, will be reviewed under this Policy. Retaliation, as defined in Section IX, as well as the forms of misconduct defined in this Section, constitute Prohibited Conduct for purposes of this Policy.

***Sexual Harassment:*** This Policy prohibits two separate forms of sexual harassment:

***Quid Pro Quo Harassment:*** A University employee, independent contractor, or volunteer violates this Policy if he/she/they conditions the provision of a University aid, benefit, or service on an individual's participation in unwelcome sexual conduct. Specifically, a University employee, independent contractor, or volunteer violates this Policy if he/she/they engages in an unwelcome sexual advance, unwelcome request for sexual favors, unwelcome verbal, physical, electronic or other conduct of a sexual nature, that targets a University community member because of their sex, when: (i) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work, or participation in any aspect of a University sponsored, recognized, or approved program, visitor, or activity; or (ii) submission to or rejection of such conduct by an individual is used as the basis for academic, employment, or activity or program participation-related decisions affecting an individual.

***Hostile Environment Harassment:*** A University employee, independent contractor, volunteer, or student violates this Policy if he/she/they engages in sexual conduct determined by a reasonable person (standing in the shoes of the Complainant) to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

For purposes of this Policy, Hostile Environment Harassment is defined as any unwelcome sexual advance, unwelcome request for sexual favors, unwelcome verbal, physical, electronic or other conduct of a sexual nature, that targets an individual because of his/her/their sex, when such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, *i.e.*, it is sufficiently severe, pervasive, and objectively offensive to create a working, academic, residential, or

social environment, that a reasonable person in similar circumstances would find intimidating, hostile, humiliating, demeaning, or sexually offensive.

Hostile Environment Harassment under this Policy also may include unwelcome, severe, pervasive, and objectively offensive, actions, comments, or behaviors that are based on stereotypical characteristic for one's sex or gender, regardless of the individual's actual or perceived sex, gender, sexual orientation, or gender identity or expression.

In assessing the conduct based on an objective basis, the University will evaluate the conduct from the perspective of a reasonable person in the position of the Complainant. Specifically, severity and pervasiveness are determined by considering the relevant circumstances and the totality of the context, including but not limited to: the degree to which the conduct affected one or more University community member's education or work environment; type, frequency, and duration of the conduct; the identity of and relationship between the Respondent and the Complainant; the number of individuals involved; and other incidents that the Respondent was involved and/or found responsible, at the University.

A single or isolated incident does not amount to Hostile Environment Harassment for purposes of this Policy, but may be actionable under other University policies or codes of conduct. A single or isolated incident of sexual misconduct, as detailed below, may rise to the level of violating this Policy.

### **Other Forms of Prohibited Sexual Misconduct**

A University employee, independent contractor, volunteer, or student violates this Policy if he/she/they engages in the following misconduct:

*Sexual Assault:* This Policy prohibits two broad forms of sexual assault:

*Non-consensual intercourse/penetration (Sexual Assault I):* Engaging in any sexual intercourse with another person without effective consent. Intercourse includes acts of oral, vaginal, or anal penetration, however slight, by an object or body part.

*Non-consensual contact (Sexual Assault II):* Engaging, or attempting to engage in any touching or contact, however slight, of a sexual nature without effective consent. Includes but is not limited to kissing, and other intentional contact with the breasts, buttock, groin or genitals or touching another with any of these body parts, or forcing another to touch you or themselves with any of these body parts. Non-consensual contact also includes attempted non-consensual sexual intercourse (Sexual Assault I).

As detailed in Section VI, which defines "consent" for the purposes of this Policy, sexual contact that involves coercion, intimidation, and/or threats of violence, fraud, or force is a form of Prohibited Conduct.

### ***Dating Violence***

For purposes of this Policy, the term "dating violence" includes, but is not limited to, sexual or physical abuse or the threat of such abuse committed by a University employee or student who is or has been in a social relationship of a romantic or intimate nature with the Complainant. In determining the

existence of such a relationship, the University will consider: (i) the length of the relationship; and/or (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

### *Domestic Violence*

Domestic violence prohibited by this Policy includes felony or misdemeanor crimes of violence committed by a University employee or student who: (i) is a current or former spouse or intimate partner of the Complainant; (ii) shares a child in common with the Complainant; (iii) is or was cohabitating with the Complainant as a spouse or intimate partner; or (iv) is similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania. For purposes of this Policy, Domestic Violence also includes felonies or misdemeanor crimes of violence by University employees or students against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

### *Stalking*

University employees or students violate this Policy if he/she/they engage in a course of conduct directed at a specific Complainant that would cause a reasonable person to: (i) fear for his/her/their safety or the safety of others; or (ii) suffer substantial emotional distress.

Prohibited Conduct under this Policy includes cyber-stalking, which is a particular type of stalking in which electronic media (the internet, social media and networks, blogs, cell phones, texts, or other similar devices or forms of contact) is used to pursue, harass, or to make unwelcome contact with another person.

## **Consent Defined and Explained**

Our University's core value to respect all people relates to the concept of consent, an issue that figures prominently in complaints of Prohibited Conduct under this Policy. In a sexual context, respecting another person means understanding that we do not have the right to act upon another person sexually unless and until he/she/they give clear permission to do so.

Consent means giving permission for sexual activity to occur. Consent to engage in sexual activity must be informed, knowing and voluntary prior to and during sexual activity. Consent is active, not passive, and is demonstrated through clear and mutually understood gestures and words that signal a willingness to engage in sexual activity. Silence cannot be interpreted as consent. Obtaining consent is the responsibility of the individual who wishes to initiate sexual activity.

Consent to sexual activity can be withdrawn at any time. Further, consent to one type of sexual activity may not, in itself, be taken to imply consent to another type of sexual act. In addition, other University policies or codes of conduct may prohibit sexual activity between parties, even where consent is given. For more detail, see Section XX of this Policy.

The influence of drugs and alcohol is an important consideration in understanding the concept of consent. The use of alcohol or other drugs can have unintended consequences and can create an atmosphere of confusion and impaired judgment over whether consent is freely and effectively given. Being under the influence of drugs and/or alcohol does not diminish the responsibility of the initiator of sexual activity to obtain consent and is never an excuse for Prohibited Conduct.

There are several circumstances under which consent cannot be freely given, nor should it be assumed to have been given:

#### *Incapacitation*

A person may not engage in sexual activity with another person who the initiator knows, or should reasonably have known, is incapacitated as a result of alcohol or other drugs. Incapacitation is a state where a person lacks the capacity to appreciate the nature of giving consent to participate in sexual activity. Physical markers indicate an inability for a person to give affirmative consent which is required for sexual activity to occur. Examples may include but are not limited to vomiting, falling/inability to walk or stand; incoherent speech, unresponsive behavior.

#### *Coercion*

The use of fraud or force to compel another person to engage in sexual activity does not constitute consent. Examples of fraud or force include but are not limited to physical force, threats, or intimidation.

#### *Current or Prior Intimate Partner Relationship*

The existence of a relationship between parties does not confer consent nor should consent be presumed. Clearly understandable agreements about sexual activity are still expected within the parameters of an intimate partner or dating relationship.

### **Confidentiality Policy: Disclosing and Reporting Sexual Misconduct**

The University is committed to responding to allegations of Prohibited Conduct. Covered Individuals alleged to be victims of Prohibited Conduct are strongly encouraged to share their experience(s) with the appropriate University personnel in order to receive support and, in some circumstances, allow the University to respond to the allegation(s).

Covered Individuals alleged to be victims of Prohibited Conduct and/or third parties aware of the same are encouraged to file reports so that the University is able to respond appropriately. Individuals who wish to discuss or report an incident should know that, for purposes of this Policy, members at the University have differing abilities to maintain confidentiality upon learning of an incident of Prohibited Conduct. Furthermore, the University's obligation to respond to an allegation of Prohibited Conduct varies according to the role of the individual who receives the report of an allegation. Individuals reporting allegations of Prohibited Conduct to someone on campus are encouraged to first ask about the level of confidentiality that can be afforded to the conversation.

*If you would like to report an allegation of Prohibited Conduct, you may report to any of the following persons:*

**Confidential Resources:** With limited exceptions, Confidential Resources can offer **confidentiality**—providing support, advice and options without any obligation to report the allegation or otherwise put the University on notice, unless an individual makes a request that he/she/they do so. Exceptions where even Confidential Resources cannot guarantee complete confidentiality relate to: (i) situations where there is an imminent risk of harm to someone in the University community; and (ii) instances raising reasonable suspicion of child abuse as referenced in Section XX of this Policy and as detailed in the University' policy relating to Reporting Child Abuse [[link here](#)]. Confidential Resources include:

*Counseling Services (on-campus) in Elson Hall*

Phone number: 215.489.2317

After 4:30 p.m. weekdays and weekends call Public Safety 215.489.4444

*Health Services (on-campus) in Elson Hall*

Phone number: 215.489.2252

After 4:30 p.m. weekdays and weekends call Public Safety 215.489.4444

*Network of Victim Assistance (NOVA) – off campus*

24-Hour Phone Number: 800.675.6900

*Limits of confidentiality and privacy:*

Covered Individuals alleged to have been the victim of Prohibited Conduct who choose to speak informally with Confidential Resources must understand that an individual's desire for confidentiality means that the University may be unable to investigate an incident, or pursue action against the individual(s) alleged to have engaged in Prohibited Conduct.

*Mandatory Reporters:*

Mandatory Reporters **are required to act on a specific report**, which means he/she/they have an obligation to report the details of an incident to the Title IX Coordinator for review and potential investigation. Mandatory Reporters cannot make anonymous reports on behalf of Complainants.

For purposes of this Policy, the following individuals are Mandatory Reporters:

- Presidents and vice presidents of the University
- Associate and assistant vice presidents, Deans (and associates and assistant deans)
- Directors and associate or assistant directors
- Coaches and assistant coaches of athletic teams, and athletic department personnel except for certified athletic trainers
- Administrators with supervisory responsibilities (*e.g.*, directors, work-study supervisors); specifically excludes faculty
- Public Safety
- Human Resources Personnel
- Residence Life professional staff
- Resident Assistants ("RA")
- Student Involvement professional staff

Any Mandatory Reporter who fails to report a known allegation of Prohibited Conduct to the Title IX Coordinator may be subject to disciplinary action.

*Privacy Personnel:*

Privacy Personnel can provide **private** advice and support. While he/she/they are not required to report specific, personally identifying information (unless there is concern for the alleged victim's safety or that of others), he/she/they do have an obligation to report that something has occurred, without specifics

or names. This limited reporting keeps the University's Title IX Coordinator informed about the nature of incidents on campus for purposes of tracking patterns, evaluating campus wide procedures and providing remedies for the campus community.

Examples of personnel in this category include those without supervisory responsibility or authority to address sexual misconduct, including but not limited to most personnel in the categories identified below. Please note that anyone listed as an “Official with Authority” is specifically excluded from this category:

- Faculty
- Advisors to student organizations
- Admission, financial aid, bursar, registrar and finance personnel
- Staff at the Center for Student Professional Development (“CSPD”)
- Academic affairs/support (tutoring, learning support, student success)
- Certified athletic trainers
- Dining and facilities staff
- Custodial and facilities staff
- Administrative assistants and clerical staff

#### *Officials with Authority:*

Officials with Authority will take steps to address allegations of Prohibited Conduct, and will work with the Title IX Coordinator to do so in accordance with this Policy. Officials with Authority also are Mandatory Reporters. In addition to the Title IX Coordinator, Officials with Authority may include:

- Presidents and vice presidents of the University
- Associate and assistant vice presidents, Deans (and associates and assistant deans)
- Directors and associate or assistant directors
- Human Resources personnel
- Title IX Designees
- Members of the CRT

#### *Title IX Coordinator:*

The Title IX Coordinator, named in Section III of this Policy, is **required to respond to reports of sexual misconduct**. The Title IX Coordinator is responsible for coordinating the University’s response to allegations and responsibilities under this Policy. If the Title IX Coordinator determines the alleged conduct constitutes Prohibited Conduct, he will contact the Complainant, even in the absence of a formal Complaint, to discuss the topics outlined in Section IX.

### **Methods of Reporting**

On-line reporting: Reports of Prohibited Conduct may be submitted via the University’s on-line reporting form by clicking this link.



[Link for employees \(including independent contractors, volunteers, and applicants\)](#)

[Link for students \(including prospective enrollees, alumni, and applicants\)](#)

Verbal reporting: An individual alleged to be a victim of Prohibited Conduct, or a third party, is permitted to report the allegation to the Title IX Coordinator, Official(s) with Authority, or Mandatory Reporter(s) verbally. The reporting party may report verbally in person or via telephone using the contact information listed in Section III of this policy.

Written reporting: An individual alleged to be a victim of Prohibited Conduct, or a third party, is permitted to report an allegation to the Title IX Coordinator, Official(s) with Authority, or Mandatory Reporter(s) in writing. The University interprets “writing” broadly, but the report must be legible, if hand-written, and clear such that the recipient can read and understand the report. The reporting party may deliver a written report in person, or mail (or email) the report to the address(es) listed in Section III of this policy.

*In the event of an emergency, where seconds count, dial 911.*

### **Academic Accommodations and Other Supportive Measures**

Upon determining that the alleged conduct is governed by this Policy, the Title IX Coordinator will engage in a dialogue with the Complainant to determine which supportive measures may restore or preserve equal access to the University’s program or activity without unreasonably burdening the parties, including measures designed to protect the safety of the parties and/or the University’s educational environment. Supportive measures are not punitive and will not amount to sanctions against Respondents. The Title IX Coordinator is responsible for implementing the supportive measures offered to the parties.

The University will take these measures regardless of whether a Complainant wishes to pursue action through local law enforcement or file a formal complaint under this Policy.

A request for supportive measures may be made by any party involved in a report. Such measures are available at no cost or fee to the parties, and may include:

- Mutual no-contact directives between the parties
- Changes in class schedules
- Extensions of deadlines or other course-related adjustments
- Withdrawal from classes with no penalty
- Changes in work or living arrangements
- Modifications or work or class schedules
- Counseling or other supportive services
- Assistance with accessing/identifying medical services
- Academic support services
- Escort services to ensure safe movement on campus
- Hiatus
- Increased security and monitoring of certain areas of the campus

In cases where there is an imminent threat posed to any person's physical health or safety, which might arise out of the allegations of Prohibited Conduct, the CRT may, after making an individualized safety and risk assessment, remove the Respondent from the University's education program or activity on an emergency basis.

Under such circumstances, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. Respondents subject to emergency removal may submit their written challenge by email to [April Vari, Vice President for Campus Life](#), who may consult with CRT members and/or any other Official with Authority, as necessary, in determining whether to sustain or reverse the emergency removal. The University will issue a written response to the Respondent within 48 hours of receipt of such challenge. Such response may be transmitted via email.

Removal may take various forms, including interim separation for students and suspension with or without pay for employees.

### **Reporting Prohibited Conduct to the University**

Even in the absence of a formal Complaint, the University will evaluate and address reported incidents of Prohibited Conduct in a manner designed to end the behavior, prevent its recurrence and to ensure the safety of the reporting student and the University community.

A report occurs when an individual covered by this Policy who alleges to be the victim of Prohibited Conduct as defined in Section V of this Policy, or a third party on the individual's behalf, makes a report to the Title IX Coordinator, an official with authority, or a mandatory reporter of the University. Once either the Title IX Coordinator or an official with authority learns of the report, and determines that the alleged conduct is Prohibited Conduct, the University will respond, including through offering supportive measures as outlined in Section VIII of this Policy. A report also results in an initial assessment of any risk of harm to individuals or to the campus community, and any steps necessary to address those risks. The initial evaluation will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made.

A Complainant has the discretion to determine whether or not to proceed to a formal Complaint, but must understand that the University may be required to respond to the report, even in the absence of a formal Complaint. A Complainant can report Prohibited Conduct at any time, but must be participating or attempting to participate in a University program or activity at the time of filing.

#### ***Retaliation for Reporting***

No individual will be subject to retaliation for making a reasonable and good faith complaint as described above regarding: Prohibited Conduct as defined by Section V; cooperating in the investigation of the same; or otherwise opposing such behavior. The University will not tolerate retaliatory behavior. Engaging in retaliation or abusing this Policy is a form of Prohibited Conduct under this Policy.

#### ***Third-Party and Anonymous Reporting***

By encouraging reporting and responding to same, the University signals its commitment to eliminate Prohibited Conduct in the University's programs or activities. For this reason, the University, through the Title IX Coordinator, CRT, and/or Designees will evaluate and, where necessary and appropriate, investigate reports of Prohibited Conduct that are made through third-parties or anonymous reporting. Note that anonymous reports that do not identify the Complainant may make it difficult or impossible for the University to investigate an incident, or pursue action against the individual(s) alleged to have engaged in Prohibited Conduct. Anonymous reporters are strongly encouraged to provide as much detail as possible, including the names of individuals who may have additional information.

### *On-line Reporting*

Reports of Prohibited Conduct also can be submitted via the University's on-line forms:

Reporting form for students (including prospective enrollees, alumni, and applicants)

Reporting form for employees (including independent contractors, volunteers, and applicants)

In some cases, on-line reports can be made anonymously, should the reporting party desire to do so. However, Mandatory Reporters cannot make anonymous reports. Please review the form carefully for information about the reporting options.

### *After an Individual Reports an Allegation of Prohibited Conduct*

Once the Complainant or third party reports an allegation of Prohibited Conduct, the Title IX Coordinator will contact the Complainant to: (i) discuss the availability of supportive measures; (ii) consider the Complainant's wishes with respect to supportive measures; (iii) inform the Complainant of the availability of such measures, even in the absence of a formal complaint; and (iv) explain the process for filing a formal complaint. A non-exhaustive list of supportive measures is found in Section VIII of this Policy.

## **Filing a Formal Complaint**

The Complainant may choose to file a formal complaint with the Title IX Coordinator. A formal complaint is a document filed by the Complainant (or the Title IX Coordinator, as described below) alleging that a Respondent engaged in Prohibited Conduct, and requesting that the University formally investigate the allegation(s) of Prohibited Conduct and initiate grievance procedures. The formal complaint form does not require a detailed statement of facts, but rather, information that will allow the CRT to fairly and accurately determine next steps in accordance with the University's Policy. A Complainant may file a formal complaint via the form found here. While third parties may report allegations of Prohibited Conduct to the University, with the exception of the Title IX Coordinator, third parties are not allowed to file a formal complaint on behalf of a Complainant.

### *Grounds for Mandatory Dismissal of Complaint under this Policy*

There will be instances where the Complainant files a formal complaint, but the University must dismiss it from consideration under this Policy. The following situations require such a dismissal: (i) the conduct in the Complaint, even if proved to be true, would not be considered Prohibited Conduct under this

Policy; (ii) the alleged conduct did not occur in the University's education program or activity; and/or (iii) the Complainant was not in the United States at the time of the alleged Prohibited Misconduct. However, even where formal dismissal is required under this Policy, such a dismissal does not preclude University action under another University policy or code of conduct. The Title IX Coordinator, in consultation with the CRT, will determine whether a formal complaint requires mandatory dismissal. In addition, a mandatory dismissal of a formal complaint for which there may be an alternative grounds to report will be referred to the appropriate University reporting channel.

#### *Grounds for Discretionary Dismissal*

The University may, in its own discretion, dismiss a formal complaint under this Policy, at any point, if: (i) the Complainant expresses a desire to withdraw the complaint or any allegations therein; (ii) the Respondent is no longer enrolled at, employed by, contracting with, or volunteering with the University; or (iii) specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal Complaint. The Title IX Coordinator, in consultation with the CRT, will determine whether a discretionary dismissal is appropriate. A formal complaint subject to discretionary dismissal due to the Complainant's request to withdraw may, nonetheless, be referred for further action if covered by another University policy or code of conduct.

When the University is either obligated or chooses to dismiss a formal complaint under this Policy, the Title IX Coordinator will send simultaneous written notice of dismissal and reasons for dismissal to both parties. Parties are entitled to an opportunity to appeal from the dismissal of a formal complaint or allegations in the written notice. For more information on Appeals, see Section XVII of this Policy. Dismissal for Title IX purposes under this Policy does not prevent the University from responding to the alleged misconduct under another University policy or code of conduct.

#### *Formal Complaints Filed by Title IX Coordinator*

After receipt of a report of Prohibited Conduct, the Title IX Coordinator also has discretion to file a formal Complaint—without the Complainant's participation—if the Title IX Coordinator believes an investigation is necessary. The Title IX Coordinator may do so only after: (i) promptly contacting the Complainant to discuss the availability of supportive measures; (ii) considering the Complainant's wishes with respect to such measures; and (iii) explaining to the Complainant the process for filing a formal complaint.

In addition to the Complainant's wishes regarding how the University should respond to the allegations, the Title IX Coordinator may consider a number of factors before filing on behalf of the Complainant, such as: (i) the seriousness of the alleged Prohibited Conduct, including whether the Complainant's allegations involved violence, use of weapons, or similar factors; (ii) the respective ages and positions of the Complainant and the Respondent; (iii) whether there have been other Complaints of Prohibited Conduct against the Respondent; and (iv) the Respondent's right to receive information if such information is maintained in an "education record" under the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. §1232g; 34 C.F.R. Part 99. At all times, the University will seek to respect the request of the Complainant, and where it cannot, the University will consult with the Complainant and keep him/her/them informed about the planned course of action.

## **Formally Reporting Prohibited Conduct to Outside Agencies**

### *Reporting to Local Law Enforcement*

Complainants may choose to pursue resolution through local law enforcement as well as through the University's processes if the alleged violation is also a crime. Criminal acts under the scope of this Policy include but are not limited to: assault, stalking, rape, domestic violence, and dating violence. Contact information for outside law enforcement is provided below:

#### **Central Bucks Regional Police Department**

Non-emergency line: 215.345.4143

#### **Doylestown Township Police Department**

Non-emergency line: 215.348.4201

Emergency assistance: **Dial 911**

The University strongly encourages and supports victims and Complainants in choosing this option and will assist as requested in connecting individuals with appropriate local officials. The University's main campus straddles two local municipalities and the University operates other facilities (*e.g.*, the Gemmill Campus, the Roth Farm). The Department of Public Safety is available for guidance in determining the appropriate jurisdiction and contact information.

Pursuing action through local law enforcement does not prevent the University from taking action as well, or from a Complainant requesting formal action by the University. The University's conduct proceedings differ in mission and purpose from the criminal justice system and represent two separate processes. For that reason, reports made to the University will be evaluated and may proceed through University grievance procedures independent of any action being pursued through the criminal justice system.

### *Reporting to the Office of Civil Rights (OCR)*

Complaints of violations under Title IX, or inquiries regarding same, may also be referred to the Office for Civil Rights of the U.S. Department of Education at the following address:

#### **Philadelphia Office**

#### **Office for Civil Rights**

#### **U.S. Department of Education**

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: 215-656-8541

FAX: 215-656-8605

TDD: 215-656-8604

e-mail: [OCR\\_Philadelphia@ed.gov](mailto:OCR_Philadelphia@ed.gov)

## **Grievance Process: Notifications, Advisors and Emergency Removal**

The University is committed to providing members of its community a safe place to live, learn, and work. Accordingly, University procedures provide a fair, prompt and impartial resolution to complaints of Prohibited Conduct under this Policy. Under this Policy, the University will presume that a Respondent is not responsible for the alleged Prohibited Conduct until a determination of responsibility is made at the conclusion of the grievance process.

The University's CRT, identified in Section III of this policy, is the body primarily charged with initially evaluating whether allegations of Prohibited Conduct would fall within the purview of this Policy. For allegations that do not implicate potential Prohibited Conduct under this Policy, the University may pursue remedies under other applicable policies.

If the allegations potentially implicate Prohibited Conduct under this Policy, and either the Complainant decides to file a formal complaint to initiate the grievance process or the Title IX Coordinator signs the formal complaint where a Complainant declines to do so, the University will send the parties a written notice of allegations including the following information:

- Explanation of the University's grievance process;
- Options for informal resolution of the allegations, as outlined in Section XIII;
- The allegations of Prohibited Conduct in the formal complaint, which shall include sufficient detail, known at the time, for the Respondent to prepare a response before any initial interview;
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Information regarding parties' rights during the grievance process, including, but not limited to the right to an advisor (who may be an attorney), and to inspect and review evidence from the investigation;
- Information regarding any provision(s) in the University's code of conduct that prohibits knowingly making false statements or submitting false information during the grievance process; and
- The date, time, location, participants, and purpose of all hearings, investigative interviews, or other meeting, with sufficient time for the party to prepare and participate. This requirement may be included in subsequent notifications as the process proceeds, and dates/times become available. The Title IX Coordinator also will provide written notice of such schedule details to witnesses expected to participate in the process.

In most instances, the University will identify both the Complainant and the Respondent in the notice of allegations sent to each party. A Complainant who chooses to initiate the (formal or informal) grievance process cannot remain anonymous or prevent the University from disclosing his/her/their identity in the notice of allegations. Exceptions: (i) the University may question an employee-Respondent about alleged Prohibited Conduct without disclosing the Complainant's identity. However, in non-emergency situations, the University will, nonetheless, refrain from taking any disciplinary action against the employee-Respondent without the benefits of the grievance process; and (ii) when the Title IX Coordinator signs the formal complaint on behalf of an anonymous complainant(s), the grievance procedure may proceed, by necessity, without identifying the Complainant's identity in the written notice.

The University will include only the information known to the University in the notice, and will, to the best of its ability, investigate formal complaints alleging Prohibited Conduct even if the Respondent's identity is unknown. If, during the investigation, the University investigates allegations outside of the notice, the University will provide an updated notice of the new allegations to each party.

### *Emergency Removal*

For the safety and health of both the parties and the academic community, the University may remove the Respondent from its program or activity if the Respondent poses an imminent threat, related to the allegations of Prohibited Conduct, to any person's physical health or safety. The University will take emergency removal measures only if, after consultation with the CRT, and, where appropriate Designees, it has more than a generalized, hypothetical, or speculative belief that the Respondent may pose a risk to someone's physical health or safety.

Emergency removal does not equate to interim suspension or expulsion, but rather ensures both that the parties and community are safe while the University investigates the allegations of Prohibited Conduct. Additionally, emergency removal does not modify the Respondent's rights under the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, or the Individuals with Disabilities Education Act.

During the course of the investigation, non-student, employee-Respondents may be put on interim suspension with or without pay. Student employee-Respondents also may be put on interim suspension with or without pay, so long as it does not violate other regulatory provisions in this policy.

### *Advisors*

For purposes of this Policy, each party has a right to an advisor of his/her/their choice, including an attorney, who can support the party throughout the (formal or informal) grievance process. Each party's advisor may be present at any formal Hearing. Each advisor is also entitled to receive the final investigative report and evidence related to the allegations, but is not entitled to receive all communications between the University and the party.

### *Timeline*

The University generally will seek to resolve every complaint of Prohibited Conduct within sixty (60) calendar days after receiving the complaint, excluding any appeal. There may be circumstances that prevent the University from meeting the 60 calendar-day timeline. The timeframe may be extended by the University for good cause, as determined on a case-by-case basis, as necessary to ensure the integrity and completeness of an investigation, comply with a request by law enforcement, reasonably accommodate the availability of witnesses, reasonably accommodate delays by the parties, account for University closures, or address other legitimate reasons, including the complexity of the investigation (*e.g.*, the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged Prohibited Conduct. When the University is unable to meet the 60 calendar-day timeline, the Title IX Coordinator will provide the parties with written notice regarding the extension.

## **Grievance Process: Informal Resolution Process**

In certain circumstances, the University may address a Complainant's formal complaint of alleged Prohibited Conduct through an Informal Resolution. Informal Resolution under this Policy does not involve an Investigation or formal Hearing as described in Sections XIV and XV of this Policy, and may not be appropriate for all forms of reported Prohibited Conduct.

The Complainant or Respondent may make a request to the Title IX Coordinator to informally resolve the formal Complaint. The University reserves the right to recommend that a report of Prohibited Conduct be resolved via an informal manner. However, under no circumstances may the Informal Resolution Process be used to resolve a formal complaint where the Complainant is a student and the Respondent is either an employee, an independent contractor, or a volunteer if that volunteer is in a position of authority vis-à-vis the Complainant. The Title IX Coordinator, in consultation with the CRT, will determine if Informal Resolution is an appropriate mechanism to address the Prohibited Conduct, prevent its recurrence, and remedy its effects. Further, a determination will be made to assess whether utilizing an Informal Resolution is consistent with maintaining the safety and welfare of the entire University community.

***Voluntary Process:*** The University will not compel either party to engage in an Informal Resolution Process, and a party may withdraw from the process at any point to resume the formal grievance process with respect to the formal Complaint. Prior to commencement of the Informal Resolution Process, the University will obtain the parties' written, voluntary consent to participate.

***Types of Informal Resolution Processes:*** Where Informal Resolution is appropriate, the Title IX Coordinator, in consultation with the CRT, will determine whether to recommend mediation, restorative justice, or another appropriate form of an informal process. Other than in instances of arbitration, where an outside arbitrator is needed, the Title IX Coordinator, the Director of Human Resources, or a Designee will facilitate the Information Resolution Process, except that any such facilitator may not then be assigned as Investigator should the informal process not result in a resolution.

***Advisors:*** Parties may consult with their respective advisors to assess both whether to engage in an informal process and as to the proposed resolution that results from the informal process. The University will provide an advisor for any party that does not otherwise have one. Advisors may attend meetings, mediations, etc. that may be part of the Information Resolution Process. However, advisors are not participants in the Informal Resolution Process; the parties must be prepared to engage and represent their own interests during that process. The facilitator may, at his/her/their own discretion, ask that the parties participate in some or all such meetings without their advisors, so long as the University applies that request equally to both parties.

Proposed resolutions may include: establishing Interim Supportive Measures; issuing a No Contact Order; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the Prohibited Conduct occurred; facilitating a meeting with the Complainant and Respondent present, if desired; and/or any other remedy that can be tailored to the involved individuals to transform the environment, prevent recurrence of the issues, remedy the effects of the particular complaint, and more



generally achieve the goals of this Policy. Where appropriate, informal resolutions may result in disciplinary measures designed to punish the Respondent.

**Agreements:** The University and the parties will treat Informal Resolution agreements as contracts, and the parties may negotiate the terms of the agreement. Once entered into, the agreement will become legally binding according to its terms. Informal Resolution agreements may not include confidentiality provisions.

Should the Informal Resolution not result in a resolution, facilitators may not serve as witnesses or investigators in subsequent formal grievance processes relating to the same allegations. Parties' statements made during the Informal Resolution Process may not be introduced during a subsequent formal hearing, unless also made outside of the Informal Resolution Process.

### **Grievance Process: Investigations and Investigative Reports**

During the course of the investigation, the University will gather evidence from the parties and third parties, which an investigator will use to draft an investigative report.

#### ***Gathering Evidence / Witness Interviews***

The investigator performing the investigation on behalf of the institution will communicate with the parties, witnesses, and any third parties identified by the parties or the University, to retain evidence. The University is not entitled to any information protected under a legally cognizable privilege unless privilege is waived by the holder of the privilege. Additionally, the Institution cannot use a party's medical records without the party's voluntary, informed, written consent.

While not required, parties are permitted to gather evidence to provide to the Investigator, and may provide the Investigator with a list of suggested questions to ask the other party and/or witnesses. The parties also may identify recommended witnesses with whom the Investigator in his/her/their discretion may speak. In so doing, parties should provide: (i) the names of any witnesses; (ii) an oral or written statement and/or description of what each witness observed; and (iii) a summary of why the information the witness has is relevant to making a determination of responsibility in the investigatory process.

The Investigator will determine if the witnesses identified for inclusion have information relevant to the finding of facts in the case. Witnesses must have direct, credible information about the specific allegation. Generally speaking, personnel who respond to and are involved with any aspect of resolving a complaint of Prohibited Conduct will not be permitted as witnesses, nor will confidential support providers (counseling/health services) for either party. Although, parties may always introduce information about their own health or counseling records into the investigation process.

During the investigation, parties are entitled to present relevant evidence, discuss the allegations under investigation with others, and communicate with witnesses. Parties may not, however, attempt to prevent or alter a witness's testimony.

#### ***Investigative Reports***

After the Investigator has collected evidence, the Investigator will draft an investigative report that fairly summarizes relevant evidence regarding the complained-of allegations. For investigations involving multiple complaints about the same Respondent, the University may consolidate the complaints and issue a single investigation report.

At least 15 calendar days prior to the hearing, the University will send each party and the party's advisor: (i) all of the evidence collected by the Investigator that is directly related to the allegations in the formal complaint even if not included in the final report, including both inculpatory and exculpatory evidence; and (ii) a copy of the draft investigative report. The University may provide this information in either hard copy or electronic format. Each party will have 10 calendar days to inspect and review the evidence and draft report, and submit written responses with corrections, context, challenging relevance, missing evidence, and other commentary that the party or the party's advisor feels necessary. The Investigator will consider any such responses prior to completion of the investigative report. If relevant evidence appears to be missing and the Investigator determines the relevant evidence was destroyed by a party, the Hearing Officer can take that into account in assessing the credibility of parties, and the weight of evidence in the case.

The University has discretion to determine which evidence is directly related to the allegations in the formal complaint, and may permit the Investigator to redact information not directly related to the allegations.

The Investigative report will include:

- Relevant evidence related to the allegation(s);
- Interview statements/summaries from each party and, if applicable, any witnesses;
- A credibility assessment of each party and witnesses;
- A listing of all undisputed facts between the parties;
- A listing of all facts in dispute between the parties; and
- Recommended findings or conclusions from the investigator based on the evidence. The investigator will apply the "preponderance of the evidence" standard (defined below) when reaching any such conclusions.

At the conclusion of the investigation, the CRT, excluding any such CRT member who served as the Investigator, will review the undisputed facts between the parties. In the event that those undisputed facts do not, on their face, rise to the level of Prohibited Conduct under this Policy, the CRT may recommend that the matter not proceed to a hearing as outlined by this Policy. Where appropriate, the CRT may recommend that the University address the allegations in accordance with other University policies or codes of conduct.

### *Relevance*

Based on privilege, relevance, and confidentiality, certain information may be redacted from the investigative report. Relevance is discussed in greater detail in Section XV relating to Hearings.

### *Standard of Proof*

The University uses the standard of “preponderance of the evidence” to determine a Respondent’s responsibility under this Policy. Both the Investigator’s conclusions and the Hearing Officer’s ultimate conclusion will decide whether it is “more likely than not,” that the behavior occurred and violated this Policy, based upon the information provided through the course of the investigation and related Hearing. Where the evidence is equal or level between the parties, the Respondent will be found not responsible. Notwithstanding the Investigators’ conclusions, the Hearing Officer will make an independent and objective evaluation of the facts in reaching a determination as to responsibility.

## **Grievance Process: Hearings**

This Policy provides for a live hearing conducted by a single hearing officer, who also will make a determination as to responsibility (“Hearing Officer”). The hearing will take place after the investigator submits a final investigative report to the Hearing Officer.

### ***Pre-Hearing Requirements***

- At least seven calendar days before the hearing, each party will submit to the Hearing Officer a list of intended witnesses. At least three calendar days before the hearing, the Hearing Officer will share each party’s witness list with the other party, and may add additional witnesses, as necessary.
- At least five calendar days before the hearing, each party must notify the Hearing Officer of the identity of their selected hearing advisors. If a party does not have an advisor of his/her/their choice present at the hearing, the University will appoint an advisor free of charge.
- Neither parties nor advisors may submit questions to the Hearing Officer prior to the hearing.

### ***Roles at the Hearing***

- ***Hearing Officer:*** The Hearing Officer is an impartial party who will facilitate the hearing and make a final determination regarding the Respondent’s responsibility for the alleged Prohibited Conduct. During the hearing, the Hearing Officer will make determinations as to the relevance of questions on cross-examination, and may ask questions to elicit information from the parties directly. The Hearing Officer will not be the same person as the Title IX Coordinator or the Investigator, and the Hearing Officer’s final determination will be made objectively and independently of the investigative report. The Hearing Officer may be a University employee or a third-party retained for the purpose of filling this role.
- ***Complainant:*** The Complainant may make opening/closing statements and otherwise present relevant evidence in accordance with the format below, but may not cross examine the Respondent or any witnesses.
- ***Respondent:*** The Respondent may make opening/closing statements and otherwise present relevant evidence in accordance with the format below, but may not cross examine the Complainant or any witnesses.
- ***Advisors:*** Parties are entitled to have an advisor present during the entire live hearing. The University will not limit a party’s choice of an advisor. An advisor may be an attorney, student leader, or any other adult of the party’s choice (except for the University’s Title IX Coordinator, the Hearing Officer, or other personnel responsible for the implementation of this Policy). An advisor will conduct direct examination of their own advisee and individuals identified on their advisee’s witness list. An advisor also will cross examine the other party and the other party’s witness(es).

### *Format of the Hearing*

Unless the Hearing Officer requests additional time, the Investigator will have 15 minutes to present the information and recommendation from the Final Investigative Report. The Investigator is limited to presenting only information contained in the Final Investigative Report. Although the Final Investigative Report and the Investigator's presentation at the Hearing will include recommended findings or conclusions, the Hearing Officer will independently and objectively evaluate relevant evidence.

For every portion of the hearing, the Complainant will present before the Respondent. Throughout the hearing, the Hearing Officer may ask questions of any party or witness.

*Opening statement:* Each party will have five minutes to present an opening statement regarding the allegations of Prohibited Conduct.

*Direct examination of parties:* The advisor for each party will have an opportunity to ask their advisee (the Complainant or Respondent) questions regarding the allegations and present evidence. Advisors are entitled to 30 minutes each for direct examination of their own advisee, though the Hearing Officer may extend that time as necessary.

*Direct examination of witnesses:* Each party's advisor will have an equal opportunity to present previously-identified witnesses at the hearing. Each party is allowed no more than five witnesses, unless the party demonstrates to the Hearing Officer the need for additional witnesses. Advisors are entitled to 20 minutes of direct examination per witness, though the Hearing Office may extend that time as necessary.

*Cross-examination:* Each party may be cross-examined—asked questions by the opposing party's advisor. Parties are entitled to 20 minutes of cross-examination for the opposing party, and 10 minutes for each witness, though the Hearing Officer may extend time as necessary.

*Closing statement:* Each party will have five minutes to present a closing statement to the Hearing Office regarding the allegations of Prohibited Conduct.

The Hearing Officer will end each hearing thanking parties for their participation and outlining next steps, as outlined in Section XVI.

### *General Hearing Requirements*

- Hearings will take place live and in real time. The University may conduct live hearings virtually, using technology that enables participants to see and hear each other in real time, and will do so at the request of either party.
- Witnesses will enter the live (or virtual) hearing room as necessary and will not be present during any portion of the proceeding other than his/her/their own direct and cross examination.
- During cross-examination, each party's advisor will directly and orally pose questions to the opposing party or witness in real time, including questions challenging credibility. A party may not cross-examine another party.

- The University defines relevance as using a layperson's logic and common sense.
  - For purposes of this Policy not relevant information includes: (i) statements protected by a legally-recognized privilege; (ii) any party's medical, psychological, or counseling records, unless the person has given voluntary, written consent; (iii) party or witness statements that have not been subject to cross examination at a live hearing; (iv) questions about a Complainant's sexual predisposition; and (v) evidence that is duplicative of other evidence.
  - Questions and evidence about the Complainant's prior sexual behavior are not relevant unless: (i) offered to prove that someone other than the Respondent committed the alleged conduct; or (ii) the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to show consent. Such protections do not apply to Respondents.
  - Unless otherwise articulated in this Section, the University will not exclude relevant evidence, even if the evidence is unduly prejudicial to one party, concerns prior bad acts, and/or suggests a party acted in accordance with a particular character trait or patterned behavior.
  - When considering evidence for purposes of determining responsibility (or for purposes of the Investigative Report), the University will not use any evidence that it reasonably knows was illegally obtained under local, state or federal law. Parties are prohibited from destroying or facilitating the destruction of evidence.
- Objections as to Relevance: In the event of an objection from an advisor, the Hearing Officer will determine whether the cross-examination question is relevant before the party or witness answers the question. The Hearing Officer will ask each advisor to state his/her/their position as to relevance on the record. If the Hearing Officer determines the question is relevant, the party or witness will answer the question. If the question is not relevant, the Hearing Officer will explain the decision to exclude the question. The Hearing Officer's explanations are not required to be lengthy, but should explain how the Hearing Officer made the determination. A party may raise an adverse ruling as to relevancy on appeal if he/she/they believes the relevancy determination adversely impacted the final determination as to responsibility.
- If a party or witness does not attend the hearing or submit to cross examination, the Hearing Officer will not rely on any statement of that party or witness in reaching a determination as to responsibility. The Hearing Officer will not draw an inference about the determination as to responsibility based solely on the party or witness's absence from the live hearing or refusal to answer questions.
- If evidence includes statements from individuals not subject to cross-examination, the Hearing Officer will not consider such statements in the final determination. This includes, but is not limited to, such individuals' statements contained within SANE reports, police reports, or medical records. If the grievance process was initiated by the Title IX Coordinator and the Complainant chose not to participate in the process, the Hearing Officer will not consider the Complainant's statements. Exceptions to this rule include:
  - The Hearing Officer may consider text messages or email threads where one of the communicating individuals submits to cross examination, even if the other communicating party does not.

- Where a party refuses to submit to cross examination, but video evidence shows the underlying incident, a Hearing Officer may consider the available evidence and make a determination. However, if the video evidence contains a statement not subject to cross-examination, that Hearing Officer may not consider that statement in reaching a determination as to responsibility.
- The University will create an audio or audiovisual recording or transcript of the live hearing which will be available to the Complainant and Respondent to inspect and review following the hearing.

#### ***Rules of Decorum during the Hearing***

- Advisors, parties, witnesses, and other participants are not permitted to harass, badger, threaten, intentionally embarrass, or otherwise treat another individual without dignity and respect.
- Parties are permitted to take two 15-minute breaks during the hearing to discuss matters in private. Other than these breaks, parties must avoid engaging in conversation with their advisors during the hearing. If a party must talk to his/her/their advisor during the hearing, he/she/they must do so in a quiet, non-disruptive manner.
- Parties may not “fire” their respective advisors, nor request a different advisor, during the hearing.
- If a participant in the grievance process violates any of the rules in this Section, the Hearing Officer will give that participant one warning only. After a warning, the University has the discretion to take disciplinary action against the offending participant.
- If an advisor does not comport with these rules, the Hearing Officer may recommend that the University replace the advisor with a University-appointed advisor.
- The University is not a party to the hearing, but, through the Investigator and/or Title IX Coordinator, may present evidence to the Hearing Officer.
- Neither the parties nor the University will require a party or witness to testify at the live hearing. However, when participating, individuals are required to answer questions truthfully. An individual who intentionally provides false information during the hearing or grievance process will have violated Acts of Dishonesty and Deception provision of the Student Code of Conduct. Parties and witnesses will not be faulted for failing to remember events or details relevant to the allegations.

### **Outcomes, Remedies and Sanctions**

#### ***Notice of Outcome***

The Hearing Officer will apply the preponderance of evidence standard in reaching an outcome, and will memorialize in writing the final determination as to responsibility. Within seven days of the conclusion of the hearing, the Hearing Officer will simultaneously communicate the written determination to the Respondent and the Complainant. The determination is final only after the time to appeal has expired or, if a party does appeal, after a decision has been made. In addition, the University will maintain supportive measures through the same time period.

The Hearing Officer will independently and objectively evaluate all relevant evidence presented at the hearing and in the investigative report. Privileged information will be excluded from the Hearing Officer’s evaluation.

The written determination will contain the following:

- Identification of the allegations potentially constituting Prohibited Conduct;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination (including notifications to parties, interviews with parties; interviews with witnesses, site visits; evidence-gathering methods, and hearing(s) held);
- Findings of fact supporting the determination;
- Conclusions regarding the application of Prohibited Conduct to the facts,
- Evidentiary basis for conclusions reached in the case (in a written determination);
- A statement of, and rational for, the result as to each allegation, including a determination regarding responsibility;
- Disciplinary sanctions imposed on the Respondent, if any, as determined by the University;
- Whether the University will provide the Complainant with remedies designed to restore or preserve equal access to its education program or activity. The written determination will not include a description of the remedies, if applicable; and
- Procedures and permissible bases for appeal.

While the written determination need not address the evaluation of contradictory facts, exculpatory evidence, all evidence presented at the hearing, or how credibility assessments were reached, in reaching a determination, the Hearing Officer, nonetheless will evaluate admissible, relevant evidence for weight or credibility.

#### *Outcomes and Sanctions for Those Found Responsible for Violations*

The University may impose a full range of actions on those found responsible. Sanctions will not take effect until after the final determination of responsibility, including appeal. The University is not required to impose particular sanctions based on a particular final outcome or apply a certain standard of proportionality when it determines which sanction(s) would be appropriate for the Respondent.

The following includes a non-exhaustive list of outcomes and sanctions that the University may impose upon any individual found responsible for violations under this Policy:

##### *Education:*

Educational activities, programs or interventions, but note that an educational approach may not be appropriate for employees or independent contractors.

##### *Warning:*

A notice in writing that institutional regulations have been violated.

##### *Probation:*

A written reprimand in place for a designated period of time and noting the probability of more severe sanctions for subsequent violations during the period of probation. Probation may impose limits on a Respondent's participation in certain education programs and activities.

##### *Restrictive Probation:*

Restrictions may include but not be limited to, for a designated period of time: loss of ability to hold office in or advise any club, organization, board, committee, or council; restriction from participation in, including coaching or advising, University programs (varsity athletics, or other co-curricular or academic programs); loss of access to facilities or equipment; housing restrictions or limitations. A Respondent may

lose privileges or be subject to more severe disciplinary sanctions and/ or suspension if found in violation of any regulations during the restrictive probationary period, no matter how minor.

*No Contact Order:*

Respondent instructed to have no contact with the Complainant through any means, including: verbal, telephonic, electronic/social media, written, or through third parties.

*Assessment:*

Professional evaluation or assessment of problematic behavior and appropriate treatment by a certified professional.

*Suspension:*

Separation of the Respondent from the University for a definite period of time, after which the Respondent is eligible to return. Conditions for readmission may be specified.

*Expulsion:*

Permanent separation of the Respondent from the University.

The determination of sanctions may be based upon a number of factors, including: the harm suffered by the Complainant; any ongoing risk to either the Complainant or the community posed by Respondent; the impact of the violation on the community, its members, or its property; any previous conduct violations; and any mitigating or aggravating circumstances.

## **Remedies and Accommodations for the Victim**

The Title IX Coordinator is responsible for the implementation of remedies. Remedies may be offered to the Complainant if the Hearing Officer determines the Respondent is responsible for the alleged Prohibited Conduct. Remedies are intended to restore equal access to the University's education program or activity. Unlike supportive measures, remedies may be disciplinary or punitive and may burden the Respondent. Remedies offered to the Complainant which do not directly affect the Respondent will remain confidential. Falsely-accused Respondents may be entitled to remedies, as appropriate.

## **Additional Remedies for the University Community**

The investigative process may result in remedies for the campus community at large, in order to address the effects of the Prohibited Conduct. Such remedies may include but not be limited to:

- Designating an individual specifically trained in providing trauma-informed services to victims and those affected by sexual assault to be available to meet with individuals;
- Training or retraining University personnel on University's responsibilities to report and address allegations of Prohibited Conduct;
- Developing information and educational materials related to preventing Prohibited Conduct that can be distributed to the University community;
- Conducting regular bystander education;



- Conducting, in cooperation with student and employee leaders, a campus “climate check” to assess the efficacy of prevention and response efforts;
- Training for groups of particular University community members impacted by an incident -- if for example Prohibited Conduct created a hostile environment within a workplace team, a residence hall, or a student group; and
- Informational (prevention, safety) emails to community members after an event.

## Appeals

Either party has the right to appeal a determination of responsibility, as well as the University’s dismissal of a formal complaint or any allegations therein. Appeals may be made based on the following grounds:

- One or more procedural irregularity(ies) (*e.g.*, failure to objectively evaluate all relevant evidence, including inculpatory and exculpatory, or erroneous relevance determinations) that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination of responsibility or dismissal was made that could affect the outcome of the matter; and/or
- The Title IX Coordinator, Investigator(s), 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 shall: (i) be made in writing; (ii) include the basis(es) for appeal and any related statement challenging the outcome; and (iii) be delivered via electronic mail within seven business days as outlined below.

### *Matters where the Respondent is a Student*

April Vari, D.Ed.

Vice President for Campus Life and Inclusive Excellence

[april.vari@delval.edu](mailto:april.vari@delval.edu) 215.489.2413

The Vice President for Campus Life and Inclusive Excellence will transmit a copy of the appeal to the non-appealing party within two days of receiving the request. Such transmittal shall notify the nonappealing party of his/her/their right to submit a response to the appeal and any other statement in support of the Hearing outcome within seven business days of receipt of the notification.

Upon receipt of the non-appealing party’s response, or the expiration of seven business days, the Vice President for Campus Life and Inclusive Excellence and the Vice President for Academic Affairs will consider the appeal, which consists of a review of written case materials and files. Results of the appeal will be communicated simultaneously, and in writing via electronic mail to both parties within ten business days from the receipt of the non-appealing party’s response (or the expiration of the period to respond). The written appellate decision will describe the result of the appeal and the rationale for the result. Appeal decisions are final.

*Matters where the Respondent is an employee, independent contractor, or volunteer*

The University will follow the same process as with student Respondents, except that appeals shall be delivered via electronic mail to:

Jennifer Brennan

Director of Human Resources 215.489.2346

[Jennifer.brennan@delval.edu](mailto:Jennifer.brennan@delval.edu)

## **Victim Assistance, Resources and Supportive Measures**

### *Immediate Assistance*

If a sexual assault has occurred, the University is committed to providing a variety of support and assistance to victims. Medical care following an assault is important to ensure the victim's safety and well-being, to evaluate any injuries, to consider pregnancy prevention, for preventative treatment for sexually transmitted diseases, and other health services.

- **Office of Public Safety – Delaware Valley University** Phone number: 215.489.4444
- **Doylestown Hospital Emergency Services**  
595 West State Street  
Doylestown, PA. 18901  
Phone number: 215.345.2280
- **Central Bucks Regional Police Department** Non-emergency line: 215.345.4143  
Doylestown Township Police Department Non-emergency line: 215.348.4201

### *Medical Attention and Resources*

Immediate medical care, a sexual assault medical exam, and the services of a Sexual Assault Nurse Examiner (SANE) can be accessed locally at:

Doylestown Hospital Emergency Services

595 West State Street  
Doylestown, PA. 18901  
215.345.2586

*Prior to going to the hospital, victims are encouraged to contact the **Network of Victim Assistance (NOVA)** hotline at 1.800.675.6900. Hotline advocates are available to provide counsel and information, and can arrange advocacy support at the hospital.*

### *Preserving Evidence*

Any victim of rape, domestic violence, dating violence, sexual assault and/or stalking is advised to take steps immediately to preserve any evidence he/she/they may have in their possession and/or on their

person. This evidence can be important proof if the victim chooses to pursue a protective order and/or criminal charges in the future.

Seeking medical treatment is an important option to preserve evidence for the future. If evidence is to be collected, go immediately to the hospital; avoid food, drink, smoking, showering or changing clothes as much as possible. It is okay if you have done some of these things, as there may still be evidence to collect. Other material, such as sheets, pillow cases or other fabric, are best placed in a paper bag for transport to the hospital where it can be evaluated for evidence.

Individuals are strongly encouraged to seek medical care and are advised that the hospital will notify police that an assault has occurred and that evidence has been collected. Individuals are not obligated to speak with police or to pursue a criminal complaint. For victims age 18 or older, a sexual assault medical exam may be completed anonymously.

Individuals who would like the support of a victim advocate to accompany them to the hospital are strongly encouraged to contact the Network of Victim Assistance (NOVA). The contact information is below.

*Confidential Resources for Support and Information after an Assault:*

Individuals can receive confidential support and information both on and off campus without making a report to the University or law enforcement.

- **Counseling Services (on-campus) in Elson Hall**  
Phone number: 215.489.2317  
After 4:30 p.m. weekdays and weekends call Public Safety 215.489.4444
- **Health Services (on-campus) in Elson Hall**  
Phone number: 215.489.2252  
After 4:30 p.m. weekdays and weekends call Public Safety 215.489.4444
- **Network of Victim Assistance (NOVA) – off campus**  
24-Hour Phone Number: 800.675.6900  
[www.novabucks.org](http://www.novabucks.org)  
A victim advocate can accompany an individual to the hospital or health provider
- **A Woman's Place – off campus** Phone number:  
800.220.8116 [www.awomansplace.org](http://www.awomansplace.org)

*Records and confidentiality*

- The Investigator's report is maintained with the Title IX Coordinator as a Sexual Misconduct Policy case file.
- For student-Respondents, a copy of the outcome report also will become a part of the student's conduct file maintained in Campus Life for reviewing any subsequent behavioral violations and determining sanctions of same. For employee-Respondents, a copy of the outcome report also will become a part of the employee's personnel file maintained with Human Resources.
- Student records are maintained for a period of three years after a student graduates or terminates from the University with the exception of records associated with a recommendation of suspension or expulsion which are maintained indefinitely.

- The University will maintain records relating to the procedures stated in this Policy for seven years, including records of:
  - Investigations and final determinations;
  - Sanctions imposed on the respondent
  - Remedies provided to the Complainant
  - Any appeal, and result of the appeal
  - Informal resolution, if any and the result
  - Supporting measures or other actions taken in response to a report or formal complaint of Prohibited Conduct, and
  - Training materials
- Sexual Misconduct Policy case files constitute “educational records” under FERPA and are subject to its release and confidentiality provisions.
- No information shall be released from such proceedings except as required or permitted by law and University policy.

Generally, University practice is to obtain consent from a student before releasing information from a student's education record to parents. When in the judgment of the University a release of information to parents is appropriate for health and safety, and when such release is not in violation of FERPA or other applicable privacy laws, the University reserves the right to notify parents.

Students have a right to request a copy of their educational records and may do so through a written request to the Dean of Students or designee.

In situations where a victim chooses to pursue action through local law enforcement, the University will cooperate with the sharing of all information and records.

## FIRE SAFETY REPORT ON STUDENT HOUSING

### **Overview**

On August 14, 2008, the Higher Education Opportunity Act was signed into law. It requires all institutions of higher education to produce an annual fire safety report outlining fire safety practices and systems, standards, drills and policies, and all fire-related on-campus statistics.

At Delaware Valley University, the Environmental Health and Safety unit is responsible for oversight of fire safety and coordinates prevention efforts achieved through code compliance, coordination of inspections and maintenance of fire protection systems, and by means of educating and training the campus community.

### **Fire Detection and Protection Systems in Residence Halls**

Delaware Valley University has a professional independent fire detection and service company inspect, repair and certify all the Residence Halls on an annual basis. Presently all Residence Hall Fire Detection and Protection systems are covered by a service contract with Keystone Fire Protection Company. The tables below provide details about the fire detection systems in place. Please note that these numbers reflect only the smoke & heat detectors connected to the fire alarm system.

Delaware Valley University Residential Facility	Fire Alarm Monitoring on Site	Full Sprinkler System**	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans	Number of evacuation (fire) drills/year
Barness Hall	X		X	X	X	2
Berkowitz Hall	X		X	X	X	2
Centennial Hall	X	X	X	X	X	2
Cooke Hall	X		X	X	X	2
Goldman Hall	X		X	X	X	2
Samuel Hall	X		X	X	X	2
South Hall	X	X	X	X	X	2
Ulman Hall	X		X	X	X	2
Work Hall	X		X	X	X	2

<u>Residence Halls Smoke &amp; Heat Detectors</u>		
Residence Hall	Number of Detectors	Date Certified
Berkowitz Hall	25	6/17/2020
Centennial & Work Halls	60	8/4/2020
Cooke Hall	19	5/26/2020
Barness Hall	14	5/26/2020
Goldman Hall	26	6/17/2020
Ulman Hall	24	5/26/2020
South Hall	345	8/12/2020
Samuel Hall	12	6/18/2020
<u>Residence Hall Sprinkler Systems</u>		
Residence Hall	Date Certified	
Centennial Hall	8/5/2020	
South Hall	8/11/2020	
<u>Residence Hall Detection System Upgrades/Repairs</u>		

<b>Residence Hall</b>	<b>Upgrade/Repair</b>
N/A	N/A

Detectors are located in all common areas such as hallways, stair towers, lounges and game rooms. Each residence hall room is equipped with a smoke detector. For the safety of the community, students are not permitted to remove the batteries from the smoke detector. If the smoke detector in a student's room signals a need for new batteries, students should report the matter to residential staff or contact the Maintenance Department at x2228 or Public Safety at x4444 if after hours.

All campus fire detection systems are connected to a monitoring system in the Public Safety Office. When a fire detection system is activated an alarm sounds in the Public Safety Office, and the monitoring system indicates which building's fire detection system is in alarm. The Public Safety Office is staffed 24 hours a day, 7 days a week, 52 weeks a year.

### **Supervised Fire Drills and Procedures**

Mandatory, supervised fire drills are conducted for each residence hall by the Environmental Health and Safety Department with participation of the Residence Life staff. One drill is conducted in the fall semester, and one in the spring semester.

When a fire alarm sounds, all individuals of the building are expected to leave the building using the nearest exit as quickly as possible. To ensure safety and to account for each resident, it is required that once outside the building residents of each residence hall regroup at these rally points/areas:

- Barness, Cooke, and Ulman Halls: Meet in Life Sciences Building lobby
- Berkowitz, Goldman, Samuel, and South Halls: Meet in the Work Gym lobby.
- Centennial and Work Halls: Meet in the Life Sciences Building lobby

Students may only return to the building when a university official gives the notice that it is safe to do so.

### **Reporting a Fire**

Pulling the nearest Fire Station alarm alerts the Public Safety Department to the location of the emergency via the "Silent Knight" system. Individuals sighting/reporting a fire, once safely outside and away from the building should call Public Safety at 215.489.4444 (x 4444 or \*89 from any campus phone).

### **Residence Hall Evacuation Plans**

Emergency evacuation plans exist for every building on campus and in student housing facilities. Each evacuation plan provides a floor plan of the building and/or residence floor; identifies the locations of all exits and lists instructions for response to a fire.

Evacuation information and routes are posted on the interior of residence hall doors specific to that building.

### **Procedures in the Event of a Fire**

Upon arrival and check-in, resident students receive a copy of the University's Emergency Readiness Guide which details steps and precautions to be taken in a variety of emergency situations. From the section on Fire response, students are instructed:

Before fire or smoke conditions even occur, you can prepare by becoming **very** familiar with your location in a building and how to reach two exits. In a fire situation, smoke will impede your vision and you may be forced to crouch or crawl to escape. By always being familiar with your surroundings and exit locations, you will increase your ability to react.

A fire or smoke emergency requires evacuation. If you are notified of or discover a fire:

- Quickly move to the nearest exit
- Do not use elevators to evacuate
- Notify and assist others to evacuate
- If you can do so safely, help persons who require assistance to relocate to the evacuation stairwell to await assistance
- If fire alarm is not yet sounding, manually activate the nearest alarm
- If caught in smoke, crawl to exit and use a shirt or towel as a smoke filter
- If the nearest exit is blocked by fire or smoke, choose another
- Close as many doors as possible on your way out to contain fire
- Remove yourself to a significant distance from the building and call 911 followed by a call to Public Safety
- Do not re-enter the building until cleared to do so by Public Safety or municipal responders

*If clothes are on fire:*

- Stop, drop and roll wherever you are. Rolling helps smother the fire

*If you are trapped:*

- Keep doors closed
- Call Public Safety to report your location and condition
- If possible, place cloth material, preferably wet, under the door
- If the room has outside windows attempt to signal someone outside

*When to use a fire extinguisher:*

- Only if trained and confident in using one
- Only for small fires (think no larger than a small trash receptacle)
- If you fight the fire, attempt only one extinguisher then evacuate

- If in doubt, do not fight the fire, your safety is the first priority

*For persons with mobility issues:* In the event of an actual fire where you are unable to evacuate yourself safely:

- Relocate to the entry of an evacuation stairwell, marked by a red Exit sign
- Notify Public Safety of your location, identifying the stairwell or nearby room number
- If there is no smoke or other immediate threat near the entrance to the stairwell, wait there until the exiting crowd passes you.
- If fire or smoke is imminent near the entry to the stairwell, move into the stairwell with others who are exiting
- Notify Public Safety that you have moved into the stairwell

## **Fire Safety Policies**

The following policies related to fire safety and prevention are drawn from the Student Code of Conduct and Delaware Valley University Residence Hall Policy Guide.

### ***Prohibited conduct:***

*Tampering with Fire Safety Equipment:* Tampering with fire detection equipment, fire alarms, fire extinguishers, setting off a false fire alarm or the intentional or reckless starting of a fire. A Type I violation in the Student Code of Conduct given serious community safety concerns and as such more likely than not to result in a student's separation from the University.

*Smoking:* For fire safety reasons, smoking is not permitted in any residence hall at any time, including students' rooms, lounges, bathrooms or other common areas. This includes the use of E-cigarettes, vaporizers or any other smoking device. Smoking outside of a residence hall is prohibited within 15 feet of any door or window. Unauthorized fire in or around the residence halls is prohibited.

*Failure to Evacuate During Drills and Alarms:* When a fire alarm sounds, all individuals of the building are required to leave the building using the nearest exit as quickly as possible.

### ***Prohibited Items:***

For the safety of each student and the community, the following items are not permitted in the residence halls:

- Any cooking or heating appliance with a hot plate or exposed coil
- Microwave ovens or air conditioners not supplied by the University
- Grills and associated items, including charcoal, lighter fluid, propane gas or other flammable substances
- Weapons, firearms, ammunition, or any other dangerous projectiles (including BB and pellet guns)
- Water beds
- Power strips and extension cords other than "Fire Shield" and "Woods" brand products
- Any flammable or incendiary material including candles, incense, fireworks, or explosives



- Halogen or heating lamps
- Cut plants, such as natural Christmas trees and wreaths, live potted trees, and hay bales
- Battery-operated personal transport devices and/or their batteries, such as “hover boards” or powered scooters

#### *Room Modification:*

Students are welcome to arrange and decorate their room to create the most comfortable environment, mindful of safety elements. For fire safety reasons, students are asked to remember the following in addition to attending to the list of items prohibited in residence halls:

- Students may have furniture pieces with a maximum combined seating capacity of 3 people. Room furniture is to be arranged in a way that does not block access to and from the room, as well as, does not impede the door from opening and closing.
- Artificial plants (such as holiday trees) may be no more than 4 feet in height and labeled by the manufacturer as being constructed out of fire-resistant materials.

#### *Health and Safety Inspections*

For community safety and residence hall security purposes, Residence Life staff members perform Health and Safety Checks of every occupied residence hall room at specified times during the academic year. These checks typically occur during residence hall closings. Staff members will complete the checks in pairs. A copy of the completed Health and Safety form is left in every room once the check is completed. Residence Life staff will follow up with any students where concerns were noted.

#### **Table of Fire Statistics for 2020**

<b><u>2020 Fire Statistics</u> - Entire Campus</b>	
<b>Type</b>	<b># of Fires</b>
<b>Unintentional Fires</b>	
Cooking	0
Smoking Materials	0
Open Flames	0
Electrical	0
Heating Equipment	0
Hazardous Products	0
Machinery/Industrial	0
Natural	0
Other	0
<b>Total Unintentional</b>	<b>0</b>
<b>Intentional Fire</b>	<b>0</b>

<b>Undetermined Fire</b>	0
<b>Number of Fire Related Deaths</b>	0
<b>Number of Fire Related Injuries</b>	0
<b>Value of Fire Related Property Damage</b>	\$0

2020 Fire Statistics – Residence Halls

Type	Barness Hall	Berkowitz Hall	Centennial Hall	Cooke Hall	Goldman Hall	Samuel Hall	South Hall	Ulman Hall	Work Hall
Cooking	0	0	0	0	0	0	0	0	0
Smoking Materials	0	0	0	0	0	0	0	0	0
Open Flames	0	0	0	0	0	0	0	0	0
Electrical	0	0	0	0	0	0	0	0	0
Heating Equipment	0	0	0	0	0	0	0	0	0
Hazardous Products	0	0	0	0	0	0	0	0	0
Machinery/Industrial	0	0	0	0	0	0	0	0	0
Natural	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0
<b>Total Unintentional</b>	0	0	0	0	0	0	0	0	0
<b>Intentional Fire</b>	0	0	0	0	0	0	0	0	0
<b>Undetermined Fire</b>	0	0	0	0	0	0	0	0	0
<b>Number of Fire Related Deaths</b>	0	0	0	0	0	0	0	0	0
<b>Number of Fire Related Injuries</b>	0	0	0	0	0	0	0	0	0
<b>Value of Fire Related Property Damage</b>	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

## APPENDIX A: TABLE OF CRIME STATISTICS

DELAWARE VALLEY UNIVERSITY - 2020 CRIME STATISTICS												
CRIME CLASSIFICATION	ON CAMPUS			ON CAMPUS - RESIDENCE HALLS			NON CAMPUS			PUBLIC PROPERTY		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
MURDER / NON-NEGLIGENT MANSLAUGHTER												
NEGLIGENT MANSLAUGHTER												
SEX OFFENSES - RAPE	1		2	1		2						
SEX OFFENSES - FONDLING	1	1	2	1	1							
SEX OFFENSES - INCEST												
SEX OFFENSES - STATUTORY RAPE												
SEX OFFENSES - NON FORCIBLE												
ROBBERY												
AGGRAVATED ASSAULT			1									
SIMPLE ASSAULT	1											
INTIMIDATION			1			1						
BURGLARY		1	3		1							
LARCENY - THEFT	5			4								
MOTOR VEHICLE THEFT												
VANDALISM / PROPERTY DESTRUCTION	1		1			1						
ARSON												
LIQUOR LAW VIOLATIONS												
ARREST	1		2				1	1				
DISCIPLINARY REFERRAL	24	18	19	6	15	16						
DRUG RELATED VIOLATIONS												
ARREST	2			2								
DISCIPLINARY REFERRAL	23	25	24	22	23	22		2				
ILLEGAL WEAPONS POSSESSION												
ARREST												
DISCIPLINARY REFERRAL												

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VAWA CRIMES	ON CAMPUS			ON CAMPUS - RESIDENCE HALLS			NON CAMPUS			PUBLIC PROPERTY		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
DOMESTIC VIOLENCE												
DATING VIOLENCE		2	3		2	2						
STALKING	7	2	3	3	2	2						

HATE CRIMES (BY BIAS)	ON CAMPUS			ON CAMPUS - RESIDENCE HALLS			NON CAMPUS			PUBLIC PROPERTY		
	2020	2019	2020	2020	2019	2018	2020	2019	2018	2020	2019	2018
MURDER / NON-NEGLIGENT MANSLAUGHTER												
RACE												
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION												
GENDER IDENTITY												
ETHNICITY												
DISABILITY												
NEGLIGENT MANSLAUGHTER												
RACE												
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION												
GENDER IDENTITY												
ETHNICITY												
DISABILITY												
SEX OFFENSES - RAPE												

RACE												
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION												
GENDER IDENTITY												
ETHNICITY												
DISABILITY												
SEX OFFENSES - FONDLING												
RACE												
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION												
GENDER IDENTITY												
ETHNICITY												
DISABILITY												

HATE CRIMES (BY BIAS)	ON CAMPUS			ON CAMPUS - RESIDENCE HALLS			NON CAMPUS			PUBLIC PROPERTY		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
SEX OFFENSES - INCEST												
RACE												
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION												
GENDER IDENTITY												
ETHNICITY												
DISABILITY												

<b>SEX OFFENSES - STATUTORY RAPE</b>												
<b>RACE</b>												
<b>GENDER</b>												
<b>RELIGION</b>												
<b>NATIONAL ORIGIN</b>												
<b>SEXUAL ORIENTATION</b>												
<b>GENDER IDENTITY</b>												
<b>ETHNICITY</b>												
<b>DISABILITY</b>												
<b>ROBBERY</b>												
<b>RACE</b>												
<b>GENDER</b>												
<b>RELIGION</b>												
<b>NATIONAL ORIGIN</b>												
<b>SEXUAL ORIENTATION</b>												
<b>GENDER IDENTITY</b>												
<b>ETHNICITY</b>												
<b>DISABILITY</b>												
<b>AGGRAVATED ASSAULT</b>												
<b>RACE</b>												
<b>GENDER</b>												
<b>RELIGION</b>												
<b>NATIONAL ORIGIN</b>												
<b>SEXUAL ORIENTATION</b>												
<b>GENDER IDENTITY</b>												
<b>ETHNICITY</b>												
<b>DISABILITY</b>												

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HATE CRIMES (BY BIAS)	ON CAMPUS			ON CAMPUS - RESIDENCE HALLS			NON CAMPUS			PUBLIC PROPERTY		
	2020	2019	2018	2020	2019	2018	2020	2019	2018	2020	2019	2018
<b>SIMPLE ASSAULT</b>												
RACE												
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION												
GENDER IDENTITY												
ETHNICITY												
DISABILITY												
<b>INTIMIDATION</b>												
RACE			1			1						
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION		1			1							
GENDER IDENTITY												
ETHNICITY												
DISABILITY												
<b>BURGLARY</b>												
RACE												
GENDER												
RELIGION												
NATIONAL ORIGIN												
SEXUAL ORIENTATION												
GENDER IDENTITY												
ETHNICITY												
DISABILITY												
<b>LARCENY - THEFT</b>												
RACE												

<b>GENDER</b>												
<b>RELIGION</b>												
<b>NATIONAL ORIGIN</b>												
<b>SEXUAL ORIENTATION</b>												
<b>GENDER IDENTITY</b>												
<b>ETHNICITY</b>												
<b>DISABILITY</b>												

<b>HATE CRIMES (BY BIAS)</b>	<b>ON CAMPUS</b>			<b>ON CAMPUS - RESIDENCE HALLS</b>			<b>NON CAMPUS</b>			<b>PUBLIC PROPERTY</b>		
	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
<b>MOTOR VEHICLE THEFT</b>												
<b>RACE</b>												
<b>GENDER</b>												
<b>RELIGION</b>												
<b>NATIONAL ORIGIN</b>												
<b>SEXUAL ORIENTATION</b>												
<b>GENDER IDENTITY</b>												
<b>ETHNICITY</b>												
<b>DISABILITY</b>												
<b>VANDALISM / PROPERTY DESTRUCTION</b>												
<b>RACE</b>			<b>1</b>			<b>1</b>						
<b>GENDER</b>												
<b>RELIGION</b>												
<b>NATIONAL ORIGIN</b>												
<b>SEXUAL ORIENTATION</b>												
<b>GENDER IDENTITY</b>												
<b>ETHNICITY</b>												
<b>DISABILITY</b>												
<b>ARSON</b>												
<b>RACE</b>												
<b>GENDER</b>												
<b>RELIGION</b>												



<b>NATIONAL ORIGIN</b>													
<b>SEXUAL ORIENTATION</b>													
<b>GENDER IDENTITY</b>													
<b>ETHNICITY</b>													
<b>DISABILITY</b>													

## APPENDIX B: RESOURCE AND CONTACT LISTING

Below is a comprehensive listing of all resources, offices and contact information referenced in this Annual Security Report. **Note: All Emergencies Dial 911 or 215.489.4444**

### Emergency Assistance and Response:

#### ***Department of Public Safety – Delaware Valley University***

Phone number: 215.489.4444

#### ***Doylestown Hospital Emergency Services***

595 West State Street

Doylestown, PA. 18901

Phone number: 215.345.2586

#### ***Doylestown Area Police Departments***

Central Bucks Regional Police 215.345.4143 (non-emergency line)

Doylestown Township Police 215.348.4201 (non-emergency line)

#### ***Transportation Police***

SEPTA Transit Police 215.580.7800

### Title IX/Sexual Misconduct Reporting and Resources:

#### ***Title IX Coordinator***

Tim Poirier, Dean of Students

[timothy.poirier@delval.edu](mailto:timothy.poirier@delval.edu)

215.489.2215

Student Center

#### ***Director of Human Resources***

Jennifer Brennan

[jennifer.brennan@delval.edu](mailto:jennifer.brennan@delval.edu)

215.489.2346

***Director of Public Safety***

215.489.4444

Department of Public Safety Office - Welcome Center

***Office for Civil Rights***

Inquiries regarding Title IX may also be referred to the Office for Civil Rights of the U.S. Department of Education at the following address:

Philadelphia Office for Civil Rights

U.S. Department of Education

The Wanamaker Building

100 Penn Square East, Suite 515

Philadelphia, PA 19107-3323

Telephone: 215-656-8541

FAX: 215-656-8605

TDD: 215-656-8604

e-mail: [OCR\\_Philadelphia@ed.gov](mailto:OCR_Philadelphia@ed.gov)

**Resources for Confidential Support – on and off campus:**

***Counseling Services (on-campus) in Elson Hall***

Phone number: 215.489.2317

After 4:30 p.m. weekdays and weekends call Public Safety 215.489.4444

***Health Services (on-campus) in Elson Hall***

Phone number: 215.489.2252

After 4:30 p.m. weekdays and weekends call Public Safety 215.489.4444

***Network of Victim Assistance (NOVA) – off campus***

24-Hour Phone Number: 800.675.6900

A victim advocate can accompany a student to the hospital or health provider

**Other contact information:**

For questions about this report:

**April Vari, D.Ed.**

Vice President for Campus Life and Inclusive Excellence

(215) 489-2250

For questions about Fire Safety:

**Colin Chambers**

Office of Environmental Health and Safety 215.489.2400

For general direction to offices and resources:

[Campus Life Helpful Contacts | Delaware Valley University \(delval.edu\)](#)

